

Political Parties in South Africa

Do they Undermine or Underpin Democracy?

Heather A. Thuynsma (ed.)



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Do They Underpin or Undermine Democracy?

Edited by
Heather A Thuynsma

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Acronyms

ACDP	– African Christian Democratic Party
AEB	– Afrikaner Eenheidsbeweging (National Action Party)
AMCU	– Association of Mine Workers and Construction Union
AMP	– African Muslim Party
ANC	– African National Congress
ANCYL	– African National Congress Youth League
ANCWL	– African National Congress Women's League
APC	– African People's Convention
ASA	– Advertising Standards Authority
AU	– African Union
AZAPO	– Azanian People's Organisation
B-BBEE	– Broad-Based Black Economic Empowerment
BRICS	– In economics, BRIC is a grouping acronym that refers to the countries of Brazil, Russia, India, China and South Africa which are all deemed to be at a similar stage of newly advanced economic development.
CAPI	– Computer Assisted Personal Interviews
CATI	– Computer Assisted Telephone Interviews
CGE	– Commission for Gender Equality
CODESA	– Convention for a Democratic South Africa
Concourt	– Constitutional Court of South Africa
CONGOS	– Co-opted Non-governmental Organisations
CONTRALESA	– Congress of Traditional Leaders of South Africa
COPE	– Congress of the People
COSATU	– Congress of South African Trade Unions
DA	– Democratic Alliance
DAWN	– Democratic Alliance Women's Network
DP	– Democratic Party
EFF	– Economic Freedom Fighters
ETT	– Electoral Task Team
FA	– Federal Alliance
FF	– Freedom Front
FF+	– Freedom Front Plus
FPTP	– First-past-the-post

G8	– Refers to the group of eight highly industrialised nations – France, Germany, Italy, the United Kingdom, Japan, the United States, Canada, and Russia
G20	– Refers to an international forum for the governments and central bank governors from 20 major economies.
G77	– The Group of 77 at the United Nations is a loose coalition of developing nations, designed to promote its members' collective economic interests and create an enhanced joint negotiating capacity in the United Nations
GEAR	– Growth, Economic and Redistribution
ICASA	– Independent Communications Authority of South Africa
IBSA	– India-Brazil-South Africa
ICC	– International Criminal Court
ICJ	– International Court of Justice
ICRG	– International Country Risk Guide
ID	– Independent Democrats
IEC	– Independent Electoral Commission
IFP	– Inkatha Freedom Party
IMF	– International Monetary Fund
KAS	– Konrad Adenauer Stiftung
LGE	– Local Government Elections
MEC	– Members of the Executive Council
MMP	– Multi-member Proportionality
MP	– Member of Parliament
NA	– National Assembly
NAM	– Non-Aligned Movement
NCOP	– National Council of Provinces
NDR	– National Democratic Revolution
NEC	– African National Congress' National Executive Committee
NFP	– National Freedom Party
NGO	– Non-governmental Organisation
NNP	– New National Party
NP	– National Party
NPA	– National Prosecuting Authority
NUMSA	– National Union of Mine Workers
NWC	– African National Congress' National Working Committee
OAU	– Organisation of African Unity

OSPAAL	–	The Organisation of Solidarity with the People of Asia, Africa and Latin America
PAC	–	Pan Africanist Congress
PAPI	–	Paper Assisted Personal Interviews
PR	–	Proportional Representation
QoG	–	Quality of Government
RDP	–	Reconstruction and Development Programme
SABC	–	South African Broadcasting Corporation
SACP	–	South African Communist Party
SADC	–	Southern African Development Community
SANCO	–	South African National Civics Organisation
SCOPA	–	Standing Committee on Public Accounts
UCDP	–	United Christian Democratic Party
UDF	–	United Democratic Front
UDM	–	United Democratic Movement
UDEMWO	–	UDM's Women's Organisation
UN	–	United Nations
VAP	–	Voting Age Population
WTO	–	World Trade Organisation
ZANU-PF	–	Zimbabwe African National Union-Patriotic Front

Foreword

The party system in South Africa is moving. The finding that was still valid until very recently, namely that a dominant party system had established itself in South Africa for an unforeseeable period, no longer applies. During the 2016 local government elections, the governing African National Congress (ANC) party witnessed a nationwide drop in support, from 62 per cent to 54 per cent, and did not achieve an absolute majority in half of the eight metropolises of the country. As a result, the opposition took over governing responsibilities in Johannesburg, in the capital Tshwane, and in Nelson Mandela Bay. Measured in terms of the population registered to vote, the ANC now only represents approximately one-third of South Africans, with a continuous downward trend being evident here too.

Many South Africans rightfully saw this development as South Africa's democracy maturing. Indeed, the decreasing dominance of one party increases competition between parties and therefore also the chance of government taking action to improve the living conditions of the population.

However, two other political trends that persisted throughout the local government elections are cause for concern. First, the number of non-voters increased to 41 per cent of eligible voters, and constitutes by far the largest group of the electorate. In surveys, non-voters proclaimed repeatedly that elections would not lead to change or that the parties standing for election did not provide an attractive offer. This suggests that a large number of South Africans clearly feel that political parties do not represent their interests and that they have no confidence in their ability to shape the political landscape. At the same time, the number of parties standing for election rose to a record 204. Is this a contradiction?

The second trend is the obvious success of populist political offers. Populist agendas were able to repeat their election success of the 2014 parliamentary election cycle and succeeded in binding their electorate, particularly in urban areas. Should this trend continue, populists, such as the EFF, who are unwilling to test their own policies by assuming government responsibilities – in essence, a destructive political approach – could cause permanent damage to the South African democracy.

The Konrad-Adenauer-Stiftung considered the latest developments in the South African party system an opportunity to initiate the present study. The foundation is committed to promoting democracy and the rule of law around the globe. We are convinced that political parties are the pillars

of democracies and that a parliamentary, pluralistic democracy can only be realised with functioning parties. Conversely, parties that do not fulfil their tasks or serve purposes other than those assigned to them within a representative democracy constitute a potential threat (and sometimes, unfortunately, even real threat) to democracy.

Political Science handbooks teach us that political parties are meant to articulate and aggregate the political interests of the population. They: develop political objectives and programmes in competition with other parties; integrate different population groups, confessions and ideas. Parties, therefore, have a mediatory function between citizens and the organs of state, and contribute to the political socialisation of citizens while also promoting their political participation. Parties recruit political leaders, nominate candidates to fill political offices and assume political power after successfully competing in elections. In other words, they form an essential pillar in representative democracies.

Unfortunately, the reality of party democracy is often far removed from these ideals, especially in young democracies. This study intends to unravel the condition of the party system in South Africa and culminates in the question: Do South African parties promote or hinder democracy in the country? The areas of the party system that are known to require continued work are the weakness of democratic structures within parties, the perceived lack of responsibility of elected parliamentarians towards voters, non-transparent private partner financing structures and a lack of attractiveness of party-political commitment, especially for women. Experts in the respective fields address all of these areas in this book.

I would like to thank the editor of this book, Ms Heather Thuynsma, and the authors for their commitment to this publication. With this book, we intend on providing the citizens of South Africa with an indication of what they can expect from parties. We want to provide the parties with incentives to critically assess whether or not they are fulfilling their function and to continue developing into representative and attractive parties and thus become anchors of stability for parliamentary democracy.

Dr Holger Dix
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Konrad Adenauer Stiftung

PREFACE

South Africa's Complex Party System after the 2016 Local Government Elections

Kgalema Motlanthe

Former President of the Republic of South Africa¹

Unpacking, understanding and mapping out the realisation of our democracy and all its intricacies is an enduringly critical task that we should all partake in. As such, my contribution here falls under this injunction.

Each of us has a part to play in the development of our state and the maintenance and widening of the freedoms that we hold so dear – keeping in mind the perilous conditions under which it was laboured for and produced. These contributions, although different in form and specification, shape the consistent creation of the democratic society we occupy and enjoy, and safeguard it for future generations.

To locate my reflections within the context of South Africa's recent elections is to ask for a reading of our maturing democracy that encompasses its challenges, successes and the contemporary continuities of sites of struggle that are a matter of historical inheritance.

The difficulties of our times, like many others that reach out before, are the consideration of multiplicities that exist within it. They ask us to say not 'either or', but 'both', when asked about the nature of the states that we live in. To put it simply, we live in complex times, in a multi-faceted society of complicated conditions. I keep this in mind as I attempt to map out some of the sites of consideration that determine our response to the 2016 elections and ideas about its outcomes.

The world that we inhabit today stands in many respects apart from the one that our forebears contended with, on material, social, economic and political levels. But by the same measure, it is very similar. We are required, then, to deal with this complexity, rather than to ignore the uncomfortable coexistence of similarity and difference that defines it.

The set of questions produced by this topic will consider:

- The outcome of the 2016 elections, through situating South Africa within post-colonial norms;
- The country's development along lines of race, class and current challenges, and exploring economic diversity within urbanisation and migration;
- Critiquing the diffusion of ideas within our borders that undermine monolithic politics and singular ideologies that are aligned to the ruling party;
- This will be under-scored by upholding the critical importance of our constitution, which creates the conditions needed for a robust multi-party political system, and a non-racial, non-sexist, just society; and
- The critical importance of press freedom and civil society independence within it.

This volume will be published almost exactly 11 years after a similar book, in which the Konrad Adenauer Stiftung (KAS) considered 'challenges to one-party dominance',² that culminated in the production of an important and extensive seminar report and book, which I encourage all to read.

The report locates itself in a world that exists in the wake of Samuel Huntington's 'third wave of democracy',³ where Sub-Saharan Africa and other territories experienced political transitions to free and equal states.

In considering the consolidation and quality of democracy in the region, Andrea E. Ostheimer⁴ cautioned readers about a common characteristic in Southern African states, which she identified as a tendency towards a dominant single party.

This caution exists because such dominance can prevent the consolidation of democracy and weaken opposition parties – which can, in turn, abrade the checks-and-balances intended by the constitutional separation of powers.

Whilst not arguing that single party dominance represents a direct pathway to rule-by-absolutism, this caution is put forward as such monolithic governance is said to lay the foundation for 'non-democratic attitudes and actions by the ruling party' through:

- blurring boundaries or conflating the state with the dominant party;
- centralising power; and
- threatening democracy's development and entrenchment.

These are meaningful concerns and deserve engagement. Whilst democracy is a political form that provides us with an attractive concept of humanism in its construction of citizenship, as well as frameworks to legally and politically realise these, it is not above reproach in its application across the world; nor are those charged with its maintenance above criticism. With this in mind, we should watch how democracy is practised, performed and realised, as we seek to realise its lofty goals.

The term 'party system' – a key aspect of this volume's inquiry – was conceptually generated in the intellectual realm of political science and asks us to critically analyse the interactions of political parties within the democratic context. It requires us to look at how the conditions of our political realm give rise to a particular system of governance, and demands an analysis of democracy in its translation to reality – particularly the move from its *de jure* to *de facto* existence.

While contested and differing in usage and meaning, the term is largely attributed to the work of the Italian political scientist Giovanni Sartori, who dedicated his life to developing the intellectual frames through which to make sense of democracy. The classification method that he mapped in his authoritative work, 'Parties and Party Systems', has shown remarkable endurance in the 40 years that have passed since it was first published.

It defines party systems according to how many relevant parties exist in the democracy under study and their degree of fragmentation – whilst acknowledging that every single democratic society is given to its own uniqueness and that the particularities of context deserve our careful attention so as to avoid slipping into generalisation.

As such, we can only understand the South African party system through an understanding of the historical exigencies and convergences that generate it, the socio-political and economic context that informs it, and other such dynamics at play.

The South African democracy was ushered in as a multi-party system, within which multiple political parties can be elected to office and govern our republic, either as separate entities or through the formation of a coalition.

The birthplace of this systemic commitment can be traced to December 1991, when multiple political organisations met at the first Convention for a Democratic South Africa (CODESA) and signed a declaration of intent that entrenched the commitment to:

- Freedom, diversity and equality across all social borders;
- Meaningful policy; and

- The establishment of a Constitution that would ensure that South Africa became 'a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll'.⁵

Consequently, our Constitution further entrenches these commitments, particularly in Section 19, which relates to political rights and choices that give all South Africans the right to:

- form a political party;
- participate in its activities and campaign;
- vote in free, fair and regular elections to establish the legislative; and
- stand for and hold public office.

Historical exigencies created the need for a completely re-imagined society that our Constitution sought to both mandate and make possible. Widely regarded as one of the most remarkable, radically inclusive and elegantly constructed of its kind, it founds our republic on the supremacy of the Constitution and the rule of law.

Above all things, the Constitution asks us to hold fast to the most virtuous qualities of the human condition and, in all things, to be ethical, moral and unshakeable in our commitment to the principles of just leadership.

I maintain that we should constantly turn to the ideals and ideas that our founding fathers and mothers put forward at the birth of our democratic era, when seeking to realign our commitment to democracy and its promises, make sense of the epoch that we are in and understand contexts like that which underscores today's enquiry into the state of our party system.

The multi-party system, created as the basis of our party system, is designed to prevent a single party from controlling the legislature without challenge or competition. A popular dictionary definition that outlines its intent, describes it 'as a system in which several major and many lesser parties exist, seriously compete for, and actually win public offices'.

Describing the importance of political parties, a recent call for papers for an inter-disciplinary conference at the University of Cape Town, titled 'Political Parties in South Africa: Legal and Political Considerations', states:

Political parties ... are the vehicles through which citizens are able to compete together for power; they make a political system legitimate; they allow citizens to be represented in the state; they facilitate a degree of responsiveness and accountability; they are instruments for the recruitment of

political leaders; and they act as mechanisms of political communication and education. By creating coalitions within a society, they also promote social cohesion.⁶

Simply put: parties allow democracies to function and should be vehicles for varied interests in our society, ensuring that all are represented and heard through the channels of governance.

This understanding provides a meaningful backdrop against which to make sense of the current state of our democracy, in light of recent municipal election results, as it situates the importance of political parties in constitutional terms, with consciousness of the socio-political context in which they operate and an emphasis on the need for ethical, moral, transparent and accountable leadership, and the achievement of social cohesion between the unmistakeably fractured groups in our society.

On the 3rd of August 2016, South Africans took to the polls and voted in the fifth municipal elections in our democratic era. The crosses that they placed on the ballot sheets translated political will into political power, determining who would hold governing office.

The results saw: the ANC obtain 53.9 per cent of the national vote; the official opposition, the Democratic Alliance, earned 26.9 per cent; while the young Economic Freedom Fighters gained 8.2 per cent of the vote. Control of major metropolitan areas like Tshwane, Port Elizabeth and Johannesburg shifted, and the number of coalitions and minority governments increased.

This is democracy in action. Things must shift. It further enforced the need to pay attention to the needs and requirements of the electorate, and exemplifies a move towards a more developed realisation of multi-party governance – as intended by our Constitution.

Whilst the commitment to a multi-party state is practised, our country has been described as single-party dominant – the contributing factor to this reality being manifold. Among these is the ruling party's existence as the first post-liberation government – which rhymes with the shape of other party systems in the post-colonial African context.

Writing in the 2006 KAS report, Political Science Professor, Shaheen Mozaffar, used data to show:

African party systems are typically concentrated around a small numbers of parties, and often around a single dominant party surrounded by many small parties.⁷

Mozaffar emphasises that single dominance is not naturally authoritarian, and foregrounds complexity in their analysis. The Constitution must never be breached to guarantee and safeguard longevity in the seat of power and government.

History has revealed that post-colonial societies have a tendency to remain trapped in liberation politics, such that the party that is historically read as being 'responsible' for liberation gains its *raison d'être* from past action in the struggle, rather than through evidence of service delivery and ethical, effective leadership in the new era.

As such, the notion of time within this formulation is suspended – we forever live in the past, and are caught in its nostalgia. As such, nationalism becomes the belief that defines the post-colonial polity – surpassing democracy as the foundation of the 'new' society in its complicated ideological power, even as it appears to hinge on democratic rule.

Under this formulation, criticising the liberation party is viewed, incorrectly, as an act of betrayal that exposes disloyalty to the struggle for freedom itself.

To go one step further, citizenship and even the concept of humanity itself is conflated with identification with the liberation party, as individual identity and as an autonomous moral agent who can differentiate the right from the wrong is extirpated and swallowed up by group identity within the confines of the political community.

What this creates, is a situation that does not foster democratic ideals and hems the free sharing of ideas, flow and strains of different ideological entanglements within society, as all is articulated through the unintellectual formulation of loyalty or betrayal – which become a problematic dichotomy that betrays our very humanity and its necessary and productive differences.

This kind of political and societal framework has massive implications for electoral politics in terms of the existence of a pre-given electoral base for the liberation party, irrespective of its actions and form of governance and all other indices that make a difference in electoral fortunes in modern democratic systems. Democracy, within its frame, becomes undemocratic – even as elections still occur.

As such, the results of the 2016 election can be seen as a break with history and the post-colonial script (while cautioning that it is still early to be making this call). It reveals that we do not exist in a political environment premised on unexamined allegiances, where only one party is seen as capable of realising our democratic dream and embodying its values.

The presentation of alternatives and the diffusion of power should not be read as a negative, but as the maturing of our democracy and a reminder to always stay in touch with the electorate – to be attuned to their needs, desires and the cadences of their lives.

It invites us to reconsider what we mean when we refer to ‘the will of the people’.

It asks us to rethink the fragmentation of our society.

And ultimately, it leads us to wonder about the nature of citizenship in our state and the relationship between the citizenry and those who occupy the halls of power.

Political competition is then both useful and necessary, guarding us against the monopolisation of power and serving narrow political interests that are out of touch with society-at-large, even as we keep in mind that this society is profoundly diverse.

There is ample evidence across our state that historically entrenched oppression has not been eviscerated from our society, and that it continues to take on new forms and exist under new signs and names.

Race and class, joined with other sites of inequality, continue to play a role in determining life within our borders, and have a direct influence in the realm of politics: from the creation of political parties that serve different interest groups, to the decisions made at polling stations through various allegiances, among them ethnic ties.

Particularly as leaders in society, we should not be afraid to express these realisations and harsh truths and to acknowledge these continuities and recognise the realities we face. Doing so renders our leadership relevant and legitimate; ignoring them results in the realisation of the very fears that we sought to escape, and it implicates us, to some degree, in the continuation of the order that we sought to overcome.

We should not be afraid to state that present actualities, experiences and existences will entrench divisions in our society, and cause them to become impossible to transcend. They are, instead, a frank acknowledgement of where and who we are as a society.

As Professor Mozaffar points out:

Pre-existing – that is, historically mediated – social structures define the nature, number and type of social cleavages (class, region, religion, ethnicity) that form the potential (and not the inevitable) basis for defining political interest, organising collective political action and mobilising electoral support.⁸

As such, evidencing their existence is useful in thinking about the results of the recent elections. We are required, then, to intimately understand the environment in which we do politics, acknowledging that it determines the form, operation and structure of political society.

The new South Africa conceived by the April 1994 democratic moment stood as the beginning of an evolution process. We should seek to stay committed to the historical vision of a society that so many of our founders dared to define, and the ideals for which they were prepared to lay down their lives.

The challenges that are presently hindering the realisation of the national cause are two-fold. They can be found in:

- Firstly, addressing the material foundations of society, particularly in the economic domain, and in bringing together people who have been historically, socially and politically separated; and
- Secondly, acknowledging such unity requires that in everything – from the values that we espouse to the realm of ideas and our personal and collective conduct – we need a mobilising vision that we mutually embrace, as a country, to work towards the fulfilment of the national cause, and to ensure that it benefits all who inhabit our land.

In acknowledging present challenges, the existence of a resilient and meaningful civil society and independent media is critical and is strongly evidenced in our context, where these sectors are constitutionally supported and should be consistently encouraged.

Section 16 of the Bill of Rights provides the right to freedom of expression, including to the press and media at large, and ‘freedom to receive and impart information or ideas’. This right is hemmed in by not permitting ‘Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm’. The Constitution thus provides a legal framework for press freedom.

A free press and robust civil society are critical to a democracy, and serve as key indicators of the strength of a democracy. These two sectors create platforms for the voices of those who are disenfranchised and disempowered to be heard, their views disseminated and the challenges acted upon.

The media, as the fourth estate, and civil society, as watchdog, ensure that our governments remain accountable, open and transparent – contesting this site of power when it does not live up to constitutional ideals, pushing back when they fail to deliver and encouraging public participation by the citizenry.

South Africa exists as a complex post-colonial society, prone to some pitfalls, but also not neatly fitting the category as it is laid out in prescient theories. The ruling party, as evidenced through the media's and civil society's contributions to the realm of ideas, does not enjoy a complete and unimpeachable ideological monopoly.

Progress, like everything else in life, is the function of the working out of opposites. Contestations exist, and must be able to, as everything must, be made subject to scrutiny.

The tensions that emerge as a necessary product of the democratic enterprise are productive: they allow us to carve out a state that is formed out of robust and valuable disagreement and necessary compromises.

The quality of our democracy remains a site of investigation. From journalists to public intellectuals, civil society workers to unions, and students to scholars, there are multiple indications that we are questioning what it means to produce, live in and be accountable to democratic conditions and ideals – and pushing for these to be extended, debated and taken seriously. This is a sign of a maturing democracy.

There will be growing pains. Mistakes will be made, and at times it will seem as if there is little clarity on the exact nature of the times that we live in.

In considering the role of the party within this context, it is essential that we not protect the party as an entity, but are at all times committed to guarding, caring for and defending democracy itself – while always subjecting it to careful, attentive and strategic thought and action.

ENDNOTES

- 1 This chapter is drawn from an address Former President Kgalema Motlanthe made to the Konrad-Adenauer Stiftung Conference in Cape Town on 24 October 2016.
- 2 Konrad-Adenauer-Stiftung, 2006. Challenges to Democracy by One-Party Dominance: A Comparative Assessment. *Seminar Report*, No 17, October 2006. Available at http://www.kas.de/wf/doc/kas_10560-1522-2-30.pdf?070328103113 [Accessed 1 October 2016].
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- 7 Konrad-Adenauer-Stiftung, 2006.
- 8 Konrad-Adenauer-Stiftung, 2006.

INTRODUCTION

By Heather A Thuynsma

The end of the twentieth century saw countries across the African continent revive their interest in democracy. To nurture this process, the international community focused on entrenching institutions to oversee periodic free and fair elections – an important but certainly not the only indicator of democracy. Nevertheless, by rallying around the idea of electoral reform, the international community flooded the continent with election management and observation teams that often could not prevent flawed outcomes.

Historically, this ‘electoral fallacy’ as Schmitter and Karl¹ called it, largely ignored the role political parties play in a truly democratic process. As far back as 1942, Schattschneider acknowledged that, in many instances, parties were *the* [emphasis mine] institution vital to securing a democracy’s survival. And where this is indeed the case, a system must also govern their interactions, effectively regulating conflict while promoting growth and economic distribution. It is, in fact, this system that encourages parties to compete and, particularly during an election, provokes substantive referendums on a government’s performance. In other words, a vibrant party system² underpins democracy and not simply ‘ritualistic periodic elections’.³

Other prominent academics, like Seymour Lipset,⁴ furthered this argument by studying how parties consolidate broad-based government and by questioning the extent to which parties can and do act as mediators between the state and society. In specific case studies, such as the one this collection of essays explores, this query generates a detailed assessment of a democracy’s ability and the party system that underscores it to be both accountable and responsive. Theoretically, when parties do their work well, then democracy thrives; when they don’t, then authoritarian tendencies emerge.

Admittedly, democracy as an ideology has endured some ebb and flow, largely because of the relative strength of the political parties that compete within it. Party systems are typically distinguished by the number of parties in play and their relative size – measured by the number of votes they earn during elections and the number of seats these votes translate into in the various legislative bodies.

To build support and ensure their survival, parties must be able to develop a relationship with individual voters. Engineering this connection involves reducing complex policy proposals into understandable nuggets and teasing out the merits of each approach. This relies on the party's ability to recruit and indoctrinate potential leaders and candidates for office in the values, ideology and doings that are unique to the party.

Once a party is elected as part of the government, its job evolves to include interpreting the inner workings of the state. By reporting the work legislatures and their various portfolio committees' conduct, parties show voters how they use their electoral mandate.⁵ Parties can also maximise their public appeal and the quality of their oversight by incorporating civil society's impressions of a policy's potential (and sometimes unintentional) implications. Parties are then able to take credit for any success or capitalise on any missteps – especially at election time.

Clearly, political parties are social actors that compete and interact with each other in societal, parliamentary and governmental arenas. They connect citizens to government and to the eventual policy outputs. That is why the authors in this extended study explore the wider consequences of this triangular relationship within South Africa's party system and outline its effect on the country's democracy.

After characterising South Africa's specific party system, the authors assess the affects (both positive and negative) that the system has on: the electoral system; the internal dynamics of each of South Africa's larger political parties; the process of reconciliation; public opinion and election performance; parliamentary practice and oversight capacity; and, the ability to field civil society's input on domestic and foreign policy decisions. The chapters use information from previous election cycles, but highlight the effects of the most recently held local government elections.

EXPLORING THE SOUTH AFRICAN EXPERIENCE

In the 23 years since South Africa's first democratic election, the country has experienced the same trend as other more developed democracies: social inequality has risen as voter turnout and party membership has declined. The euphoria of the landmark 1994 election has been tempered by a healthy dose of reality and a sprinkling of regret about missteps and missed opportunities. Notwithstanding these challenges, political parties are still the primary drivers of South Africa's fledgling democracy.

Party systems have different configurations, ranging from one-party systems to hegemonic, dominant party, two-party and multiparty systems. The South African case presents as a dominant party system, primarily because one party, namely the African National Congress (ANC), has won a majority of votes in the last five consecutive national elections and earned a majority of legislative seats. Despite this dominance, some 200 political parties are able to freely and fairly compete at election time, albeit with moderate effect. Since 1994, the ANC's dominance at the national and provincial level has only been challenged in two provinces: from 1994-1999 by the Inkatha Freedom Party (IFP) in KwaZulu-Natal; and since 2009 in the Western Cape, where the Democratic Alliance (DA) (the official opposition party) governs.

The ANC's dominance has both helped and hindered South Africa's political, social and economic progress. The party's strength did, at least early on, counter the country's divisive past. Under Mandela's leadership, in particular, the party was able to act as a 'benign bridge builder', to borrow Pierre du Toit's⁶ concept and to promote stability and reconciliation that was sorely lacking in post-apartheid South Africa. Indeed, the first decade of ANC dominance helped the party consolidate democracy and its electoral and legal institutions.

On the negative side, the ANC's control also illustrates how a dominant party system can limit a country's progress. In many ways, the ANC's electoral and organisational strength has also become its weakness, by mirroring the party in internal factional disputes. This wrangling has forced the party's leadership to focus on its own internal politics, instead of attending to the concerns raised by its membership and broader base of supporters. In order to quell this internal dissent, the party has used its dominance within the system and its control of state resources to distribute patronage at the expense of its own campaign manifesto. Its inability to deliver on its promises manifests in a defensive and oftentimes aloof posture when dealing with public discontent and puts the party at odds with a shrinking voter base.

In the opening chapter, Nicola de Jager and Annemie Parkin trace the ANC's declining social base of support and query whether or not South Africa can still be considered a dominant party system. After outlining the country's political context and the ANC's rise they argue that, ultimately, dominant parties still depend on democratic realities and that the electorate eventually perceives and punishes a party for its poor performance. The authors gauge the ANC's governance performance using data from the Quality of Government dataset, Afrobarometer and the World Values survey. In

their argument, De Jager and Parkin introduce the importance of a strong triangular relationship between the party, government and the electorate.

The rest of the authors add to these findings by analysing three key areas. First, as chapter two and three explain, since parties drive the political process, we need to understand how the South African Constitution governs the competition between them and with what effect. This means looking at the electoral system on the national, provincial and local level, and then determining if this system shapes the way in which political parties organise themselves to ensure their electoral and organisational survival.

Second, to measure the strength of political parties, their leaders and the party system, chapters four to six examine if parties engineer or respond to public opinion and how they use this information and their resources to activate citizens during elections. This ‘turnout and convert’ campaign underpins a party’s electoral bid and should, ideally, offer voters a clear and substantive choice of issues, candidates and policy proposals.

Finally, to gauge the work political parties are able to achieve while in government, chapters seven to nine assess the system’s ability to hold parties and their leaders accountable while pushing policy preferences that reflect the interests of the electorate.

ASSESSING SUCCESS

The South African parliamentary system was engineered to keep political parties at its core. The Constitution provides the structural framework for how these parties compete in the political sphere by mapping an electoral system to regulate competition between parties and essentially determining how parties interact with the state and the citizens they are purported to represent and protect.

Albert Venter evaluates the democratic quality of South Africa’s electoral structure. His chapter unravels the intricacies of the current closed list proportional representation system (used at national and provincial level) and the mixed system (used at local government level) and identifies the virtues of each. Venter questions whether these systems strengthen electoral choice and ensure that fair outcomes and effective party competition are indeed possible. He also investigates how each process allows South Africans to exercise power over their leaders and hold their elected government accountable.

Similarly, a party's internal dynamics dictates its ability to participate in the electoral process and represent the needs of different sectors of the electorate. Parties do, after all, control who has access to the ballot, and therefore design their own methods to recruit, rank and socialise candidates for their electoral slate. Yolanda Sadie unpacks how the electoral system shapes each party's internal selection procedures and how these policies help them represent different social groups – specifically women – and their issues. Sadie laments the fact that this process relies on each party's respective proclivities and, to a large degree, on the electoral predisposition of specific target audiences and districts. Winning a majority of votes that can translate into an appreciative number of legislative seats – and, eventually, access to state resources – is, after all, a party's primary mission.

Parties need to appeal to a broad base of the electorate. Much of that work relies on the appeal of a party leadership's vision and the issues or policy proposals those leaders push. South Africa's dominant party system emphasises the role party leaders play, e.g. the themes of reconciliation and national unity that underscored Mandela's term as president and his vision of a respectful human rights-based 'rainbow nation'. Party leaders have since adopted their own visions for their respective parties, in an attempt to shore up their electoral support. Katabaro Miti looks at the trends that characterise party leaders, in general, and ANC and DA leaders, in particular. For Miti, the party's leader determines how conflicts within and outside the party are managed. This management style is unique to the leader, but it affects ripple throughout the system, often violently, and its success is ultimately measured at the ballot box.

The health of South Africa's party system relies on the extent to which political parties connect the state and its work to the individual citizen, because it is this connection that reveals how truly competitive the system is and if political parties offer their voters a genuine menu of options. Theoretically, in a competitive system, the victorious party is more likely to promote and protect the interests of the people it represents. An uncompetitive system, contrastingly, has dire consequences for the rule of law, accountability and general progress on the economic, social and political fronts. In order to promote a healthy competitive system, a party's core function is to aggregate voter interests into choices that appeal to the electorate. Mari Harris, Stella Fleetwood and Antonia Squara decipher a wide range of polling statistics generated by Ipsos Markinor, to understand how well South African parties fulfil this function. Their primary concern is considering how parties control the political game, and questioning if they still shift public opinion.

The next chapter uses these findings to determine how well parties use the system to mobilise voters and persuade them to support a specific cause. The author looks at different factors that drive voters to the polling station on election day, and illustrates how political parties use their institutional control to reinforce their mission. If one assumes that citizens and their voting choices underpin representative democracy, then it stands to reason that those same citizens choose the party they support based on their predispositions and the information that parties (and, to a degree, the media) expose them to. This chapter investigates if, through their political campaigns, parties connect with the electorate's needs and desires, and present voters with a substantive set of choices. It also asks if they are more preoccupied with ensuring their own survival missing voter concerns and, consequently, straining their ability to be responsive.

Given their dominant political position, South African parties could potentially alter political institutions that question their authority. The ANC has, on occasion, done just that, from ANC Secretary-General Gwede Mantashe's accusation in 2008 that the Constitutional Court judges were acting like 'counter-revolutionary forces' seeking to destroy Zuma and the ANC,⁷ to Zuma himself questioning the supremacy of the Constitutional Court in 2009 after the National Prosecuting Authority dropped corruption charges against him, to Blade Nzimande's 2015 comment that the judiciary had 'over-reach(ed)'.⁸ The ANC's top brass have also been dismissive of constitutionally enshrined institutions, particularly that of the Public Protector.⁹

Using this as a backdrop, Danwood Chirwa and Phindile Ntliziywana examine the tensions between the ruling party and opposition parties within the National Assembly (NA), with the Public Protector, and with the Constitutional Court over what has become known as the Nkandla scandal. Through this case, the authors examine how the ANC attempted to use its dominant position to manoeuvre state apparatus to account for extensive renovations to the president's personal residence. In an effort to trace the relationship between parties and the government, the authors question just how respected and entrenched South Africa's democratic institutions really are.

Rama Naidu and Sagie Narsiah unpack the extent to which parties matter when it comes to setting South Africa's domestic policy agenda. They outline how the ANC's democratic centralist predisposition shapes the party's ideals, its electoral pitch to voters, and, ultimately, its policy proposals. In a strong party system, one would expect to see a strong correlation between these elements. Under the ANC, it seems that these policies reflect the interests of an elite, rather than those who voted for the party – implying

that the party-citizen-government link is under stress and could potentially undermine the entire democratic process.

The whims of a dominant party in government have serious implications for individual citizens and the country's international position. In the closing chapter, Siphamandla Zondi critically reflects on how the ANC uses its dominance to steer the country's foreign policy making agenda. He describes the ANC's philosophical underpinnings and shows how it has used this to structure and promote the interests of South Africa and the African continent. Zondi's analysis also shows why academics should use a pluriversal, rather than a Eurocentric, framework to assess how the ANC (a 'non-traditional' foreign policy actor) has influenced South Africa's diplomatic practice.

Chapters may be read in isolation or the reader could follow the arguments sequentially. In the end, this volume offers a different and detailed assessment of the health of South Africa's domestic political system and it adds depth to the international study of the country's democracy. The findings will be of particular interest to: scholars who study political parties, party leaders and activists; students who are interested in the role that parties play in the democratic process; as well as to those who are keen to understand the South African party system in more depth.

ENDNOTES

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- 4 Lipset, S.M., 2000. The Indispensability of Political Parties. *Journal of Democracy*, 11(1), pp. 48-55.
- 5 Dalton, R.J., Farrell, D.M. and McAllister, I., 2013. Political parties and democratic linkage: How parties organize democracy. London: Oxford University Press.
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CHAPTER 1

Whither the ANC's Dominance?

Waning Electoral Dominance, Rising Hegemonic Dominance

Nicola de Jager and Annemie Parkin

INTRODUCTION

During South Africa's period of transition from apartheid to democracy, the African National Congress (ANC) emerged as the main protagonist in the liberation movement. The ANC and the then governing National Party (NP) subsequently dominated the negotiated settlement. Deciding to turn to negotiations and collectively drafting an interim constitution (which formed the framework for the final 1996 Constitution), was a favourable outcome for the country. It meant that a democratic process – negotiations leading to elections, rather than civil war – ushered in an institutionally democratic framework. This process of a negotiated transition, initiating an institutionally democratic framework, and the broadly accepted first non-racial, democratic elections held on 27 April 1994, set South Africa up for democratic success. With nearly 63 per cent of the 1994 national vote, the ANC was given the electoral mandate to lead South Africa along this democratic path.

The ANC has subsequently been elected to govern in five consecutive national elections, consolidating its position as the dominant party within a dominant party system. A dominant party system occurs within a procedurally democratic regime, but where one party holds power for an extended period, ensuring that the ruling party is able to dominate both the polity and the policy-making process.¹ In a procedurally democratic context of regular, multi-party elections, the dominant party wins in at least four or more consecutive national elections and opposition parties exist, but are unlikely to win at the national level. However, the dominant party's power is more than just its recurring electoral victories – it is essentially about influence. As Duverger² recognises, a dominant party is identified with an epoch – it is dominant in the minds of the people, and even the opposition. In the case

of South Africa, the ANC is strongly identified with South Africa's liberation from apartheid and the seminal leadership of Nelson Mandela, giving it credibility that goes beyond a mere performance-based relationship between it and its constituency. De Jager and Du Toit³ recognise this as a symbolic attachment that emanates from a heroic history. They, nevertheless, also recognise that such historic moments are non-recurring and this 'historic block' of voters is susceptible to generational attrition.

Although the ANC has continuously governed at the national level, political power has alternated at provincial and local levels. Nevertheless, even the longevity of the ANC's national dominance is becoming tenuous. In this chapter, we show that the social base of support for the ANC is declining, as evidenced by the breakaway parties, incremental decreases in its support base, growing voter apathy, increasing public protests, and opposition to the ANC progressively coming from radical and populist political forces.

Dominant parties in democratic regimes, unlike in authoritarian regimes, are still susceptible to democratic realities – the dominance is dependent on continued social support and eventually poor performance will be punished. We contend that there has been an increase in poor governance – most pronounced under the Zuma-administration since 2009 – which has not gone unnoticed by the public. We trace this decline in governance using data from the Quality of Government (QoG) dataset. We then use the data results from the Afrobarometer and the World Values surveys to assess society's perception of government performance. There appears to be a correlation between poor governance, the public perception of poor performance and a decline in the ANC's base of social support.

Nevertheless, while noting a decline in the electoral dominance of the ANC, we caution that there are also signs of increasing hegemonic dominance. We now turn to these levels of dominance.

LEVELS OF DOMINANCE

In their study of dominant party systems, Du Toit and De Jager⁴ note three levels of dominance, which are arguably cumulative. The first is electoral dominance. This is the initial stage when parties consolidate their dominance through electoral victories, often based on an historic event to which they are positively attached. The ANC's liberation credentials led to an affinity to the party, which initially eclipsed performance considerations. The party is aware of this symbolic value, so after more than 20 years of

democracy, it continues to refer to itself as 'South Africa's national liberation movement'⁵ and not as a political party. Party dominance during a volatile period – such as a democratic transition – can be positive. The dominant party may serve to unite the majority of the citizenry and take it over the democratic threshold. The ANC, under the astute leadership of Nelson Mandela, certainly achieved this for South Africa. The concern comes though with the longevity of the dominance.

The second level is constitutional dominance, where the dominant party successfully rewrites constitutional rules in its interest or maintains constitutional or electoral rules that disadvantage opposition parties. A key issue is if the negotiations during the period of transition to democracy and the resulting constitution are regarded as a social contract (a mutually agreed upon binding and enduring mechanism by which to negotiate both present and future conflict in an amicable way), or merely a means to transfer power. South Africa's 1996 Constitution was the culmination of multi-party and multi-actor negotiations, which started in 1991 with the CODESA. The Constitution is broadly respected and the judiciary has remained independent and impartial in its rulings. There have been no major revisions of the Constitution, even between 2004 and 2009, when the ANC held a two-thirds parliamentary majority constitutionally, giving it the right to do so unilaterally.

There are, however, some concerning developments: populist attacks on the Constitution and a growing disregard for decisions made by constitutional institutions. Emerging populist sentiment, which is antagonistic to the Constitution, is reflected in the sentiments of Ngoako Ramatlhodi,⁶ an ANC NEC member: 'We ... have a Constitution that reflects the great compromise, a compromise tilted heavily in favour of forces against change'. He argues: 'The black majority enjoys empty political power, while forces against change reign supreme in the economy, judiciary, public opinion and civil society'. His view reflects a menacing sentiment that the ANC should have more power to act without checks and balances. More subtle attacks on the Constitution are evident in the disdain of certain constitutional institutions (for example, the Public Protector under Advocate Thuli Madonsela) and a lack of compliance to some of the court decisions.⁷ A mounting concern is that law, regulations and limitations need not be amended – they can simply be disregarded and ignored. This is ominously well illustrated in the lack of compliance by the President himself – the supposed custodian of the Constitution. In April 2016, a Constitutional Court judgment found: 'The President ... failed to uphold, defend and respect the Constitution as the supreme law of the land. This failure is manifest from the substantial

disregard for the remedial action taken against him by the Public Protector in terms of her constitutional powers'.⁸ President Jacob Zuma had failed to comply with the Public Protector's remedial action concerning non-security upgrades to his private residence and the requirement that he pay back to the state a reasonable portion of the expenses incurred.

As Du Toit and De Jager continue, the third level is hegemonic dominance. Institutionally, hegemony is achieved once the dominant party gains control of the state bureaucracy. This occurs when state personnel become loyal party members, who promote the interests of the party, rather than the public. When, for them, the public good and the interests of the party become indistinguishable, the conditions are set for the dominant party to effect a *de facto* merger of party, government and state.

In his research into dominant party systems, Greene⁹ notes that dominance persists when dominant parties can access and use public resources for partisan gain. This is achievable through a large public sector and a politically controlled public bureaucracy. When state-government-party lines become blurred, the state loses its autonomy, and therefore its neutrality. If the state and its resources are used for partisan ends – whether they be for an individual, his or her family, an ethnic group or a party – it creates a zero-sum game in politics. It effectively translates democracy into becoming the means to access resources for partisan ends rather than to access power to govern in the broader public interest. The end-game is state capture and Zimbabwe stands as a case in point. The Zimbabwe African National Union – Patriotic Front (ZANU-PF), under the leadership of Robert Mugabe, regarded the Lancaster Constitution as a transfer of power, rather than a social contract. Blatantly disregarding the Constitution, the party removed all forms of checks and balances or opposition: destroying the Ndebele as a potential opposition during Gukurahundi, cleansing white farmers from their land, gaining full control of the media in the 1990s, reeling in the judiciary from 2001-2011, and converting public servants into party loyalists. By destroying the impartial application of the law and creating a partisan state, President Mugabe initiated economic collapse and the country eventually abandoned its own currency. The country now has widespread poverty and a 95 per cent unemployment rate.

Establishing a partisan state sector is the antithesis of good government. Good government implies impartiality and a state that acts in the broader interests of the public, as opposed to the narrow interests of a party or individual.¹⁰ As Gagiano and Du Toit¹¹ recognise, 'State autonomy ... is a precondition for state agencies and personnel acting in the public interest'. Instead, when the state becomes an instrument for personal or partisan

ends, it fails to fulfil its function of being a public institution for the public interest. In this chapter, we will assess the quality of government in South Africa, to see if it is moving towards the hegemonic level of dominance.

THE CENTRE DOES NOT HOLD: THE EROSION OF THE ANC'S ELECTORAL DOMINANCE

The ANC has brought much to be grateful for: the party and its reconciliatory president, Nelson Mandela, carried South Africa through the transition period, and served to unite South Africans. In addition, due to its liberation credentials, the ANC enjoyed widespread national and international legitimacy. Sadly, however, the party has not always been a good steward of the trust placed in it. Its decline in electoral support should, therefore, come as no surprise.

DIVISIONS FROM WITHIN

Factional divisions have manifested in the two breakaways in its post-apartheid history, namely: the formation of the Congress of the People (COPE) in 2008, primarily in reaction to the recall of Thabo Mbeki as president; the formation of the militant and populist Economic Freedom Fighters (EFF) in 2013, led by the former ANC Youth League leader, Julius Malema. The arrival of this leftist, radical party, which is targeting the workers, youth and disenfranchised, has prompted a combative, hostile and – some would argue – a more dynamic form of opposition politics. With the launch of its manifesto in 2014, wherein it made several populist and leftist promises, an impressive 50 000 people attended the rally.¹² In its first national elections, in 2014 – a few months after it was established – the EFF gained 6.35 per cent of the vote and 25 seats in the National Assembly (NA).¹³ Even though this is far below the results and numbers achieved by the ANC, the EFF has been a vociferous, frustrating and provoking opponent to the ruling party in Parliament. In fact, the EFF's *modus operandi* has been one of provocation and protest politics and it has successfully mobilised people at a grassroots level.

It should be noted that there are concerns about what the emergence of such a populist and radical party might mean for a democratic regime. Alarm bells sounded after Julius Malema's¹⁴ interview with Al Jazeera, when he stated that the opposition 'will run out of patience very soon and we will remove this government through the barrel of a gun ... Part of the

revolutionary duty is to fight and we are not ashamed if the need arises for us to take up arms and fight. We will fight' this type of inflammatory rhetoric and willingness to go beyond the democratic rules of the game, the potential danger to the stability of the democratic system when undemocratic forces rise in response to poor governance.

DECLINING SUPPORT BASE

Since 1994, the ANC has won more than 60 per cent of the vote, winning with a fair margin between it and the official opposition (see Table 1.1). In the 2014 elections, the ANC won 62 per cent of the vote, while the Democratic Alliance (DA) attained 22 per cent. These results have assured its dominance, both electorally and in policy-making. It does appear, however, that the ANC reached its electoral high-water mark with 69 per cent of the vote in 2004.¹⁵ In addition, the ANC's proportion of the voting age population (VAP)¹⁶ has shown a steady decline over the years, from 53.8 per cent in 1994 to 38.8 per cent in 2009 to 36.4 per cent in 2014 (see Table 1.2). Of particular significance is the 41 per cent of those eligible to vote who have opted out of the formal electoral system, which percentage is larger than any party's share of the vote. Most telling, though, is the ANC's overall drop in support in the 2016 local election results (see Table 1.3). Whereas 2004 may have been the 'turning point elections', 2016 were the 'watershed elections'. For the first time, the ANC's electoral support declined to below 60 per cent of the overall vote, as they garnered just over 55 per cent. It also lost control of three more metros, in addition to the City of Cape Town metro, which the official opposition, the DA, has governed since 2006 (initially with a coalition government).

Table 1.1 South African National Election Results, 1994–2014

Party		1994	1999	2004	2009	2014
ANC	Percentage	62.65	66.35	69.69	65.90	62.15
	Seats (out of 400)	252	266	279	264	249
COPE	Percentage	–	–	–	7.42	0.67
	Seats	–	–	–	30	3

Party		1994	1999	2004	2009	2014
DA/ Democratic Party (DP)	Percentage	1.73	9.56	12.37	16.66	22.23
	Seats	7	38	50	67	89
EFF	Percentage	–	–	–	–	6.35
	Seats	–	–	–	–	25

Source: Compiled by authors. Data derived from Electoral Commission of South Africa.¹⁷
 Note: The totals do not tally, as not all parties are included.

Table 1.2 Voter turnout as a proportion of voting age population, 1994-2014

	1994	1999	2004	2009	2014
% of VAP who did not vote	14	30	43	41	41
% of VAP who voted for the ANC	53.9	46.5	39.7	38.7	36.4
% of VAP who voted for the DP/DA	1.5	6.7	7	9.8	13

Source: Compiled by authors. Data derived from South African Institute of Race Relations.¹⁸

Table 1.3 Overall Local Election Results

	2000 % of Total Valid Votes	2006* % of Total Valid Votes	2011 % of Total Valid Votes	2016 % of Total Valid Votes
ANC	61.76	65.67	63.65	55.68
DA/ DP	19.59	16.32	21.97	24.57
EFF	–	–	–	8.31

Source: Compiled by authors. Data derived from the Electoral Commission of South Africa.¹⁹

* 2006 results derived from News24²⁰

GROWING OPPOSITION

South Africa's current official opposition party, the DA, has been a growing contender for the governing seat. The DA's progression has been incremental over the last few years, with it slowly, but steadily winning electoral support. The DA recorded its highest electoral support at national level in

2014 by winning 22.2 per cent of the vote and gaining 89 seats in the NA (see Table 1.1). This was an improvement of about 6 per cent from the 2009 national elections, continuing the trend of it expanding its electoral support base. Furthermore, the DA is the only other party currently governing at a provincial level, having won the most seats in the Western Cape legislature in the 2014 elections. The party also felt emboldened before the 2016 local elections, targeting major metropolitan municipalities such as Tshwane, Johannesburg and Nelson Mandela Bay, which were traditional ANC strongholds. Its strategy paid off. Although the elections delivered hung results in these three metros, where no party won more than 50 per cent of the vote, the DA subsequently received support from smaller political parties, enabling it to appoint DA mayoral candidates in each of these metros. This again indicates that these were watershed elections. The DA now effectively governs the economic hub (Johannesburg) and the administrative capital (Pretoria), and it continues to govern the legislative capital (Cape Town). During the local elections, the DA's overall support showed a steady increase, from 19 per cent in 2000 to over 24 per cent in 2016 (see Table 1.3). These results will encourage the party to be more ambitious about the 2019 national elections.

The attempt to merge Mamphela Ramphele's Agang party with the DA before the 2014 elections, and the selection of the young Mmusi Maimane as DA leader, indicate a party earnestly trying to remove the claim that it is still predominantly white. If the DA continues to perform well at the municipal level, as it has done in the Western Cape, and now has the opportunity to do so in three more metros, and become a more demographically representative force, its share of the vote should increase, putting more pressure on the ANC.

Besides increasing electoral opposition, there has been broader societal opposition too. Concomitant with the decline in voter support for the ANC and overall decline in voter participation, there has been an increase in non-conventional forms of political participation. Voter turnout in the last three national elections (2004-2014) shows that less than 60 per cent of eligible voters decided to vote, and it is clear that many are opting out of the democratic process of elections. Instead of voicing their discontent by punishing the ruling party at the polls and voting for an opposition party, citizens are increasingly using non-conventional methods of political participation. The right to assemble and demonstrate is endorsed in section 17 of the Bill of Rights, but the section stipulates 'peacefully and unarmed'. This method of participation, often referred to as service delivery protests, has increased significantly, especially during the period 2009 to 2014. However, Municipal

IQ's²¹ Municipal Hotspots Monitor shows that, since 2004, 70 per cent of these protests have, unfortunately, been violent and destructive in nature.

For some, protesting and civil disobedience in general – as a holdover from the anti-apartheid struggle – seems to be the most effective way to garner the attention of government and elected officials. On many occasions, municipal officials, councillors, and high level government officials have visited protesting communities and engaged with them, effectively supporting the usefulness of violent protest politics.²²

The perception took root that 'protest works'. Communities started incorporating protest into their repertoire of political participation, given limitations they discovered in the ability of formal democracy to ensure service delivery.²³

Another important feature of these protests is the targeting of local councillors who hold and benefit from political power.²⁴ In many cases, these local leaders are ANC members; this indicates that people feel increasingly alienated from the ruling party.²⁵ The targeting of local councillors is also an indication of two factors that continue to plague the functioning of the ANC: factionalism and cadre deployment. This was particularly evident in the run-up to the 2016 local elections. One example was the decision to select Thoko Didiza as the ANC's mayoral candidate in Tshwane (by a special National Executive Council (NEC)), whilst rejecting three candidates put forward by local Tshwane leaders.²⁶ Violence broke out amongst those who opposed Didiza's candidacy and supported the incumbent mayor, Kgosiensho Ramakgopa. Another example of factionalism has been the ANC's recall of KwaZulu-Natal Premier, Senzo Mchunu, in May 2016.²⁷ This was due to infighting within the ANC structures in KwaZulu-Natal, where factions loyal to Mchunu and former provincial secretary, Sihle Zikalala, have been engaged in a bitter feud. The result of this has been violence and political assassinations. The ANC's policy of cadre deployment leads to the unintended consequence of factional infighting between those tussling for the spoils of position, power and resources. Furthermore, those closer to the corridors of power and willing to support the party's leadership unconditionally are favoured ahead of those who challenge the leadership, which creates a culture of no accountability, passivity and unresponsiveness.

The 2016 local election results show that voters have begun to punish the ANC at the ballot box. On a positive note, these developments could indicate the growth of a more competitive electoral system, which in turn pressures the ANC to ensure better governance. Another potential – and more dangerous – scenario could be that disgruntled citizens choose not to

participate democratically, but continue to use extra-democratic, extra-legal and violent means of engaging with government or move their support to radical political parties (like the EFF) that use populist and undemocratic tactics. The above shows a clear sense of disgruntlement with the ANC resulting in: some forming alternative parties; some discontinuing their electoral support of the ANC, either by shifting their support to another party or opting out of the electoral system; and some expressing their discontent through protests, even to the point of violence and breaking the law. The evident decline in the electoral and social support of the ANC indicates a withering of the party's electoral dominance. The response of the ANC to the voice of society – accepting democratic competition or asserting hegemonic dominance – will have a knock-on effect on the country's democratic sustainability.

POOR GOVERNANCE, RISING HEGEMONIC DOMINANCE AND PUBLIC PERCEPTIONS

There is growing recognition that democratic elections are not necessarily equivalent to good quality government. Indeed, Rothstein and Teorell²⁸ assess quality of government in terms of the exercise of political authority. In other words, the ANC has attained power through democratic means, but, how well has it governed? Quality of government is thus defined as 'the impartiality of institutions that exercise government authority.'²⁹ As indicated in the discussion on the levels of dominance, capture of the state for partisan interests is recognised as the antithesis of good government and is tantamount to hegemonic dominance.

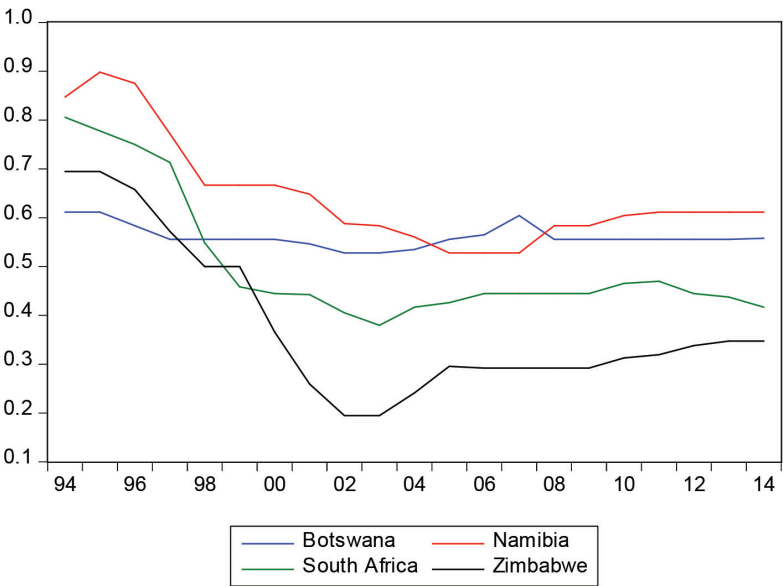
MEASURING THE QUALITY OF GOVERNMENT OF THE ANC

The Quality of Government (QoG) standard dataset³⁰ provides an insightful tool to track the quality of government under ANC rule between 1994 and 2014. The cross-sectional time-series dataset draws on a number of freely available cross-sectional data sources. It provides an instructive time-series to track the trends over this period. For comparative and contextual purposes, we have included some of South Africa's regional neighbours, each of which have dominant party systems: Botswana (a fairly stable and

successful democracy); Namibia; and Zimbabwe (an example of a ‘worst-case’ scenario, where there has been complete state capture).

The QoG standard dataset consists of approximately 2 500 variables from more than 100 datasets. Amongst these datasets is the International Country Risk Guide (ICRG), developed by the PRS Group,³¹ which measures the quality of government on a scale of 0-1. Higher values indicate higher quality of government. The quality of government measurement is a composite of three variables, namely corruption, law and order, and bureaucracy quality. The corruption variable includes actual or potential corruption in the form of excessive patronage, nepotism, job reservations, ‘favours-for-favours’, secret party funding, and suspiciously close ties between politics and business. Within the law and order variable, the law sub-component is an assessment of the strength and impartiality of the legal system, while the order sub-component is an assessment of popular observance of the law. Measuring the quality of a country’s bureaucracy factors in the level of autonomy the bureaucracy has from political pressure and the presence of an established mechanism to recruit and train employees. It is, therefore, an ideal measure to establish whether there is impartiality or not.

Figure 1.1 Quality of government in South Africa in comparison with other southern African countries

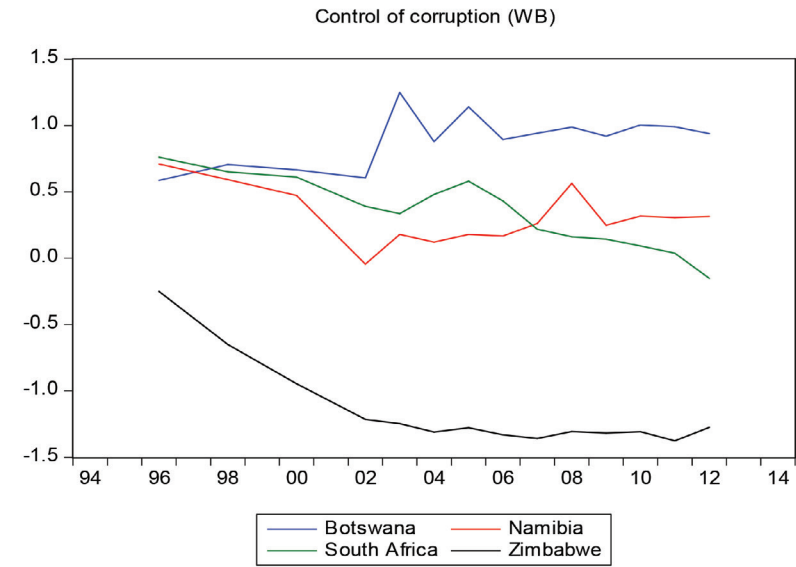


Source: Compiled by authors. Data derived from the International Country Risk Guide (ICRG).³²

According to this measurement, South Africa's quality of government was quite high in 1994 (0.8), but has declined sharply to approximately 0.42 in 2014. Since 2011, under the Zuma-administration, the QoG has declined each year. South Africa's QoG may be above that of Zimbabwe, but it has fallen below that of Botswana and Namibia, and, in general, it rates poorly. In addition, in this composite measure, there is a law sub-component that measures the impartiality of the judicial system. As noted earlier, South Africa's judicial system has maintained its independence, which has probably improved the overall score, giving it a more positive score than reality suggests it might deserve.

Although Rothstein and Teorell³³ caution against equating QoG with the absence of corruption, as QoG embodies much more, corruption is still an anti-thesis of QoG. For this reason, we have included data from the World Bank's 'Control of Corruption'³⁴ report, which measures perceptions of corruption, which is conventionally defined as the exercise of public power for private gain – the opposite of public good. Its various sources measure different aspects of corruption, ranging from 'additional payments to get things done', to the effects of corruption on the business environment, and measuring 'grand corruption' in the political arena or in the tendency of elite forms to engage in 'state capture'. The governance estimates are normally distributed with a mean of zero and a standard deviation of one for each year of measurement. This implies that virtually all scores lie between –2.5 and 2.5, with higher scores corresponding to better outcomes.

Figure 1.2 Control of corruption in South Africa in comparison with other southern African countries



Source: Compiled by authors. Data derived from the World Bank's Worldwide Governance Indicators.³⁵

Corruption is often the result of partisanship, and similar to the QoG above, we see a marked decline in the control of corruption in South Africa. Although control of corruption is much better than in Zimbabwe, it is worse than in Namibia, and significantly worse in comparison to Botswana. Overall, the trajectory is negative, with control of corruption declining each year.

POOR QUALITY OF GOVERNANCE: CADRE DEPLOYMENT, STATE CAPTURE AND HEGEMONIC DOMINANCE

Since winning the 1994 elections, the ANC has embarked on a project to transform South African society from an unjust and unequal society under the apartheid system to a fairer democratic society. This transformation project became its justification for its calls for control of the state, and control of the economy. Southall³⁶ argues:

... from the moment it moved into office, the ANC viewed its control over the civil service and parastatals (which accounted for around 15 per cent of GDP) as the instrument of extending its control over the 'commanding heights of the economy'.

There are various features that are part of this transformation project: a Soviet-styled national project, the National Democratic Revolution (NDR), which provides for centralised decision-making (in particular by the ANC's NEC), greater state intervention, and cadre deployment. The ANC asserts that the cadre deployment strategy and the NDR are crucial in transforming South African society into a 'national democratic society'. However, cadre deployment has resulted in the appointment of ANC loyalists to crucial positions within state institutions, whose loyalty lies with the ruling party. It can be argued, that these strategies have been a means to capture crucial state institutions and manipulate certain private institutions in order to give them a resource advantage vis-à-vis opposition parties.

Under the Zuma administration, there seems to have been a particular shift in partisan interest: whereas access to the state and the cadre deployment strategy initially benefitted the partisan interests of the ANC, this has moved to a new locus, namely President Jacob Zuma. The boards and senior leadership of many parastatals (Eskom, South African Airways, SABC, PetroSA, etc.) and state institutions are often individuals with close ties to those in power. These links have become a web of patronage, with Zuma at the centre. For example, South African Airways chairperson, Dudu Myeni, despite incompetent management of the airline, is protected from recourse allegedly due to an 'intimate relationship' with Zuma.³⁷ This network around the President, and the use of state-owned enterprises for partisan interests, was also highlighted in the former Public Protector's report, 'State of capture'.³⁸

One of the state institutions that has sought to maintain its constitutionally mandated role to 'ensure both transparency and expenditure control'³⁹ and to remain impartial in its functioning and delivery, is the Treasury. Towards the end of 2015, the so-called Nene-gate scandal shifted this state institution to the centre of the state capture battle and pushed the South African economy to the edge of disaster. In December 2015, President Zuma replaced Finance Minister Nhlanhla Nene with a relatively unknown ANC MP, David van Rooyen. This shock decision caused the rand to plummet to below R16 to the US dollar. A mere four days after van Rooyen's appointment, Zuma decided to reappoint Pravin Gordhan to the position that he had held from 2009 to 2014. The fallout of the Nene-gate scandal has been

a breakdown in investor confidence, which has led to a collapse of domestic and business confidence.⁴⁰ During this time, South Africa also narrowly avoided 'junk' status, which would spell economic calamity: it would mean that South African securities would be given a non-investment rating, and, according to Cruickshanks,⁴¹ this could signify the following:

Access to foreign capital could become considerably more costly and difficult to source. The likely ripple impact through to the currency would undoubtedly push inflation higher on rapidly escalating import costs.

The replacement of Minister Nene was likely a politically motivated decision, as he was becoming a 'hurdle' for President Zuma's partisan relationships. Possible reasons for his removal, include: firstly, the decision not to bailout South African Airways and Nene's frequent clashes with SAA chairperson and close Zuma-confidante, Dudu Myeni; and secondly, refusing to make funding available for the nuclear programme deal Zuma struck with Russia's President Vladimir Putin.⁴² The drastic reshuffling of such a high profile Cabinet portfolio indicates political interference and patronage of the worst kind. An even greater concern is the reported tension between Zuma and Gordhan, with the current finance minister's position seemingly insecure. The charges of fraud brought against Gordhan by the National Prosecuting Authority (NPA), the subsequent withdrawal of these charges (with legal opinion arguing that there was never a case to begin with) – see Powell⁴³ – and allegations of new charges, all point to a highly beleaguered finance minister. More sinisterly, it appears that the incumbent president is eager to control the locus of the public purse for partisan ends; pointing towards South Africa heading in the direction of state capture and hence hegemonic dominance.

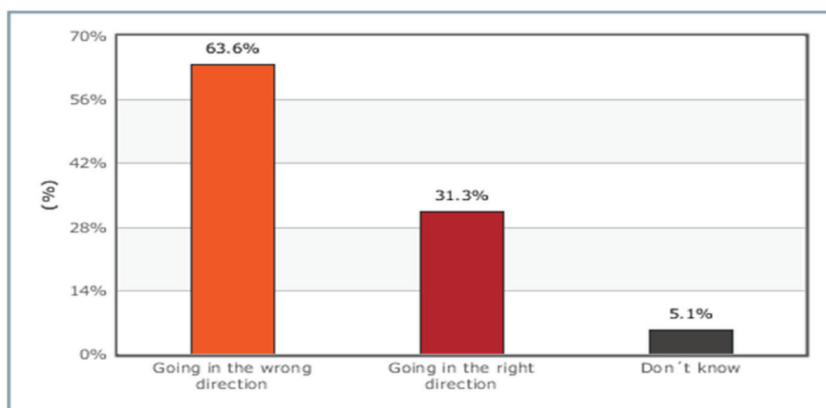
In light of the downward trend of South Africa's good governance (otherwise called quality of government), the downward trend in the ANC's support base should be no surprise. South Africans are aware of the ANC's declining performance at the helm and this is reflected in the perceptions of South Africans.

PUBLIC PERCEPTION OF POOR PERFORMANCE

South Africans' perceptions of the current situation and of the performance of key institutions, including the President and the civil service, show that South Africans are well aware of the declining quality of government. The ANC's declining support base is therefore evidence of a perceptive and disenchanted citizenry, as Afrobarometer and the World Values survey data illustrates.

In a recent Afrobarometer⁴⁴ survey, a large proportion of South Africans (63.6 per cent) indicated that the country was moving in the wrong direction. If most South Africans believe the country to be moving in the wrong direction, it could spell trouble for the ANC if conditions do not improve.

Figure 1.3 South African's perceptions of the country's trajectory



Source: Compiled by the authors. Data derived from Afrobarometer.⁴⁵

Using a time-series dataset from Afrobarometer, we traced public perceptions of the performance of the different presidents. What is noticeable is the initial high perception (66 per cent) of President Zuma's performance in 2011/2012, which then plummeted to a mere 35 per cent approval rating within two years, making Zuma the president with the lowest approval rating in terms of performance (see Table 1.4). This indicates that citizens are perceptive of the ramifications of poor governance and a patronage system that advantages the few.

Table 1.4 Perceptions of the president's performance

	1999/2001	2002/2003	2005/2006
Approve %	56	55	80
Disapprove %	44	45	20
N	1 991	2 243	2 303

	2008/2009	2011/2012	2013/2014
Approve %	57	66	35
Disapprove %	43	34	65
N	1 501	2 331	2 342

Source: Compiled by authors. Data derived from Afrobarometer.⁴⁶

Public perceptions of civil service performance show a similar trajectory. Using a time-series dataset from the World Values Survey, we traced public perceptions for the period 1994 to 2014, and found that in those twenty years, public perception of civil service performance declined from 59 per cent to 45 per cent (see Table 1.5). Currently, there are more South Africans who disapprove of the civil service's performance than South Africans who approve of the service, and disapproval is at an all-time low.

Table 1.5 Perceptions of the performance of the civil service

	1994-1998	1999-2004	2005-2009	2010-2014
Approve %	59	57	56	45
Disapprove %	41	43	44	55
N	2 557	2 782	2 807	3 324

Source: Compiled by the authors. Data derived from the World Values Survey.⁴⁷

These indications of public perceptions of performance of the president and the civil service are important, as they highlight the ramifications of poor quality government. A partisan state, headed by a particularly

self-interested president, results in poor government and this state of affairs is well-perceived by the public.

CONCLUSION

In 1994, the ANC was given a daunting responsibility – to be at the helm of South Africa's brand new democratic state. Its large support base was an indication of the trust placed in it to act in the interests of the South African public. The continued electoral support also meant it became the dominant party in a dominant party system. Initially, the ANC's electoral dominance provided a base of democratic stability. Unfortunately, the ruling party has not always been a good steward of public trust; with the quality of government declining over the years, and the result being the development of hegemonic dominance – as self-interest has replaced public interest.

The decline in quality of government has not gone unnoticed or unpunished: the ANC's support base has been unravelling. Being a party in a democratic system, albeit the ruling party, means that the ANC is still susceptible to democratic impulses, namely being punished at the polls. The 2016 local government elections were a watershed moment, with the ANC's support declining below 60 per cent. This was a major loss for the ANC. The question now remains how will the ANC respond to this 'loss'. It will either respond positively and proactively or slide further into a lack of accountability and corruption. If the ANC chooses to respond proactively, it will hear the public voice, acknowledging that poor quality of government does not go unseen or unpunished. Instead, it will pursue quality of government, by embracing the values of impartiality as endorsed in the 1996 Constitution. This means reigning in corruption, unravelling the patronage networks (starting at the top), and letting go of its goal of state capture. The results will be a fairer and more prosperous political and economic system, where state institutions fulfil their public service duties unhindered by partisan interests. If the ANC makes this choice, it will likely result in a return in social support and the revival of its electoral dominance.

On the other hand, the ANC could choose to devolve into populist politics, where rhetoric trumps reality, and the ranks close around Zuma and his chosen successor, both of whom will continue to pursue the path of partisanship, patronage, self-aggrandisement and state capture. The dominance of the ANC will thus no longer be based on social support, but on its access to resources and ensuring a partisan state – the result being

hegemonic dominance. Considering the public's perceptiveness of poor performance such a trajectory will make for an unstable future in South Africa. The direction that the ANC chooses will become clearer the closer the party gets to its 2017 National Conference and leadership election. It could prove to be another watershed election and a defining moment for the party, the state and South African society.

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CHAPTER 2

The Need to Reform the Electoral System in South Africa

A Constitutional Engineering Perspective

Albert Venter

INTRODUCTION

In this chapter, I reflect on South Africa's electoral system and how it influences the effectiveness with which political parties represent South African voters. The focus is specifically on the electoral responsibility of public representatives. In addition, I offer some proposals to reform the present electoral system, in order to make public representatives more accountable and effective. To do this, I consider some of the most important elements of what is expected of an electoral system in a democracy. The chapter briefly reviews theories of representation, which is the nucleus of any proposal for electoral reform; this is followed by an evaluation of the present electoral system. In addition: the Electoral Task Team report, the so-called Slabbert proposal for electoral reform, is tested and found wanting; thereafter, a proposal to reform the present national and provincial electoral system is discussed and supported.

THE TRUSTEE THEORY OF REPRESENTATION

This theory holds that representatives, once elected, should think for themselves, act as trustees on behalf of their constituents and exercise better and reasoned judgement. This has elitist implications, i.e. that only politicians can think on behalf of others. It also has implications that could lead to corruption: the representative only acts on behalf of specific constituents, and promotes pork barrel and selfish politics. The politician, as a trustee of

the electorate, is probably impractical and outdated in an age of mass based party politics. The theory has little import in parliamentary systems that adhere to strict party caucus discipline. Currently, the theory seems to apply to the United States Congress, but it does not apply to, nor is it practical, for South Africa.

THE CONSTITUENCY DELEGATE THEORY OF REPRESENTATION

In the constituency delegate theory, the public representative can exercise no real independent judgement, but acts as a conduit for the represented constituency and needs a fresh mandate for every issue voted on. It also implies the right of recall and the right of popular initiatives. This theory is likely to be impractical in mass based party politics at national level in South Africa. However, at local government level in South Africa, a case could be made that a ward representative could face one recall initiative in the middle of his or her electoral term of office. This could be done if say 1 000 registered voters requested a mid-term recall by-election. In other words, the recall would have to be constructive: make the representative face a recall election, but at the same time propose an alternative challenger. A further consideration on the idea of recall is made at the end of this chapter. The present electoral system in South Africa does not apply this theory.

THE PARTY MANDATE THEORY OF REPRESENTATION

Candidates in elections are not elected for their personal qualities and their capacity to act as trustees or delegates of the voters. Candidates get elected on the party ticket – they are supported because the programme of the preferred political party is supported. The party, not the electorate, calls the mandate of the candidate. So-called independent candidates are rarely elected and have little influence on the body politic. The party, rather than the individual politician, is the agent of representation. This usually – at least in contemporary parliamentary systems – leads to disciplined parties with a more or less coherent policy programme. The South African electoral system, in the main, and at all three levels of government, applies this form of representation.

THE RESEMBLANCE THEORY OF REPRESENTATION

In this theory, the body of representatives should represent the electorate culturally, economically (class), ethnically, racially and in terms of gender. In practice, this means some form of proportional representation. Therefore, women should represent women; a person of working class background should represent the working class and so on. This could place powerful constraints on electoral choices. In terms of current theories of political accommodation in deeply divided societies – the so-called consociational theory, of which Lijphart is the principal proponent¹ – party list proportional representation is likely to lead to segmental representation of ethnic, religious, racial and linguistic groups that would more or less resemble the various segments of such a society. Therefore, in terms of this theory, in South Africa, ‘white led’ parties would tend to receive white support, Zulu-led parties would receive Zulu support and so on. The 1994 elections supported this thesis as far as racial divisions go. For instance, the Democratic Party (DP) drew very little black support, the African National Congress (ANC) drew little white support, and so on. This practice seems to have continued somewhat in the 1999 elections. However, there was only one clearly identifiable Afrikaner-oriented party (ethnic or cultural affiliation), the Freedom Front (FF), and it received almost exclusively white Afrikaner support. Most other parties in South Africa tried to appeal across cultural, ethnic and religious divisions. In practice, it seems that in the 1999 elections, the New National Party (NNP) drew the widest cross racial support, while the ANC, DP and Inkatha Freedom Party (IFP) drew a significant amount of their support from racially as well as ethnically based backers. In the 2014 elections, evidence suggests that the Democratic Alliance (DA) drew the strongest support across racial lines of any party. This support base could be ascribed to the party’s evolution from a mainly white liberal party to one that incorporates groups such as the Independent Democrats (ID) and remnants of the defunct NNP which, before its demise, drew significant ‘coloured’ support in the Western Cape.² Gender activists tend to advance proportional party list systems, since this makes it possible to accommodate gender equality or balance; in other words gender representation activists indirectly make use of the resemblance theory. This has to be done through party leadership inspired affirmative action programmes that are aimed at fostering equal gender representation in legislatures.

THE PREFERRED THEORY OF REPRESENTATION IN THE SOUTH AFRICAN CONSTITUTION

The South African Constitution of 1996 clearly favours the party mandate theory of representation, with a smattering of the resemblance theory thrown in. Note the following:

- Section 19: Every citizen is free to exercise political choice, including the right to form a political party and the right to participate in free and fair elections for any legislative body.
- Section 42: The National Assembly is elected to represent the people.
- Section 46: Elections for the National Assembly must in general result in proportional representation.
- Schedule 6 of the transitional arrangements to the Constitution clearly favours the party model of representation:
 - » Addendum A: 13 requires: A person loses membership of a legislative body if and when that person ceases to be a member of the party that nominated that person to the legislative body.

It is clear that the present constitution does not make provision for individual mandates or delegates to the National Assembly (NA) and all the provincial legislatures. Practice during the first 22 years of government confirms this. All political parties subscribe to the party mandate theory: their electoral campaigns and party manifestos in election campaigns substantiate this. There is some difference of opinion about whether or not the party mandate should be a legal imperative for individual candidates. The question of whether the party mandate should be a parliamentary practice, a convention rather than a legal imperative, will be discussed later in this chapter.

PUTTING THEORY INTO PRACTICE IN SOUTH AFRICA

The present national electoral system in South Africa is a closed party list pure proportional system. In other words, the NA, which comprises 400 members, is elected on a strict proportional basis in terms of votes received in a general election. For a party to be elected, there is no legal threshold that need be reached, except the 0.25 per cent support needed to gain one seat – technically known as the ‘natural’ threshold (excluding the mathematical formula needed to allocate remainders, i.e. what happens if a party receives 3.33 per cent of the vote). The reader is referred to the works consulted for

a more detailed exposition of the electoral system used in the NA as well as the provincial legislatures.

The problem with the present closed party list system of proportionality is that the bond between electorate and individual representative is broken, which weakens personal accountability. Individual accountability of public representatives is undermined by the acceptance of the party mandate theory of representation. Factually and theoretically the party mandate theory and its practice break the bond between the individual representative and constituency, however it is defined. When a candidate is elected on a party list to represent a party ticket ('mandate'), the representative has to toe the party line or face expulsion from the party and its caucus. In South Africa, the power of the caucus and the party is strengthened by the legally enforceable imperative party mandate (Addendum A, paragraph 13 of the 1996 Constitution).

Moreover, members of the NA do not have any administrative standing vis-à-vis the public service. Whether party list members or members representing constituencies, their duty, according to the Constitution, is to 'represent the people'. Furthermore, the NA is charged with the duty to pass laws for South Africa and to hold the executive accountable – when the NA is formally assembled. However, in the current Constitution, members of the NA do not have any real formal legal locus standi vis a vis formal governmental and administrative institutions. At best, a parliamentarian could be conceptualised in policy terms as one who scrutinises and passes legislation. In these terms, the role of a legislator in a parliament with a strong party caucus discipline, will be that of a partisan oriented legislator, rather than a policy initiator.

What could be debated, is to make public representatives more responsive to the needs of constituents in terms of practical constituency affairs. At best, in a constituency based electoral system, the legislator could be an intermediary between local interest groups, the general electoral public, and the broader civil service. The debate could focus on how the bond between the parliamentarian and the local organised civil society could be strengthened, whether the member of the legislature is elected on a party list or a party ticket.

Since inception of the 1996 Constitution, the South African Parliament has made provision for the establishment of so called 'constituency offices'. These offices are funded by a parliamentary grant that is, in turn, based on the number of representatives a party has in the NA. At present, parties receive about R635 000 per annum per constituency office. The amount is based on a per capita grant to the relevant party. The total grant for the

2014/2015 fiscal year was R254 million. South Africa is a large country and it stands to reason that the ANC, with 249 representatives in the present NA, is supposedly able to establish 249 constituency offices, giving it the opportunity to cover most of South Africa. Other parties, such as the FF+ have only four representatives and cannot cover a substantial geographic area. Moreover, members of the NA have very little personal incentive to do typical British-style 'constituency' work in their virtual constituency. The reason is simple: one is elected on a party list, not on a constituency basis. Therefore, expending a lot of energy in a specific geographic area may not guarantee becoming its public representative. Not surprisingly, it is difficult to trace constituency offices in South Africa, much less get any help from a member of parliament.³

SOME COMMENTS ON THE PRESENT CLOSED PARTY LIST PR SYSTEM

The party list system of Proportional Representation (PR) provided for in the South African Constitution is simple and easily understood by the average literate and numerate voter. In principle, if a party receives 10 per cent of the vote at the polls, it is allocated 10 per cent of the seats in the NA. The system differs from the Dutch system, one of the best-known PR list systems, in that South Africa uses both provincial (regional) and national lists. The national allocation has to take regional allocation into consideration. Moreover, Dutch voters can express a preference for individual candidates, which is not allowed in South Africa.

The threshold of votes needed to win a seat in the NA is quite low: 0.25 per cent (1/400) for the national list; this varies for the provincial lists, e.g. Gauteng 2.27 per cent (43 NA seats) and the Northern Cape 25 per cent (4 NA seats). The effective threshold for regional lists of all provinces combined is 0.55 per cent. However, members of the NA are not accountable to electoral constituencies and voters of such constituencies. Strong and, in effect, centralised, power is put in the hands of the party leadership. At the national level, no legal or constitutional provision is made for party list candidates to be selected by an internal democratic procedure of nomination by the party concerned. This leads to oligarchical control of the party by its leadership, which is not in line with the general tenor of a free, open and democratic society provided for in the Constitution in sections 1 (d) and 39 (1).

There is a lack of candidate-voter identification with a specific local geographic constituency. Ordinary voters do not know who their member of parliament is, and alienation from the party political system becomes a most likely consequence. In South Africa, this lack of identification has led to lacklustre, slothful and unconcerned members of parliament, who look to please the party leadership, rather than also representing the interests of their constituencies. In an Afrobarometer survey done in 2009; only 19 per cent of members of parliament saw constituency work as their top priority; and only 3 per cent of voters could identify the allocated constituency member of parliament.⁴ South African members of parliament are party hacks rather than public representatives. The 31 March 2016 Constitutional Court indictment of the NA, which rebuked the body for shirking its constitutional responsibility to hold the executive accountable for the 'Nkandla Affair', is an exemplary illustration of the hold that the ruling party has over its members in the NA. The Constitutional Court ruling starkly highlights the lack of accountability of individual ANC members of the NA.

The free mandate of the previous geographical, first-past-the-post system of parliamentary representation under the apartheid system has been replaced by the imperative party mandate.⁵ This additionally strengthens the hold of the party leadership over individual members of the legislature. Moreover, in my reading of the Constitution, the provision could be in conflict with key provisions in the Bill of Human Rights, which guarantees freedom of association and freedom of conscience.⁶ The high proportionality of electoral results with a very low threshold facilitates the representation of smaller political parties. The PR list system therefore (in principle) accurately reflects the salient political schisms in post-apartheid society; in a sense, this vindicates the Lijphartian view that PR list systems tend to foster candidates who resemble their support base. The high representativeness fosters legitimacy of the political system, since minority groups are or can be represented. PR list systems – both closed and open systems – are highly recommended by experts on deeply divided societies as being the most appropriate electoral system for such societies,⁷ and experience bears this out. In the 2014 elections, 13 parties gained representation in the NA.

In view of the above arguments, PR list systems can be deemed more democratic than the winner-takes-all relative majority system. In the latter system, a potentially high percentage of voters are not represented by candidates or parties of their preference. In Britain, parties more often than not govern with a popular majority of less than 45 per cent at the polls – leaving 55 per cent of voters without representation in the ruling executive. This would surely be disastrous for South Africa. During the May 2015 election

in Britain, the Conservative Party gained an outright majority in the House of Commons, with a mere 36 per cent of the popular vote. The Blair government of 2005 was elected by a similar popular minority. Put another way, 64 per cent of the popular vote did not vote for the Conservative Party. In terms of the 'people shall govern' principle, the governments of Prime Ministers Blair, Brown and Cameron were indeed 'minority' governments.

The allocation of highest remainders,⁸ when fractions of seats have to be allocated, favours smaller parties, e.g. in the April 1994 elections: the ACDP was awarded two seats, with the quota needed to win a seat being circa 44 000; while the largest party, the ANC, needed 48 500 votes to obtain a seat in the NA. This pattern was repeated in 2014: the ANC needed 45 931 votes to win a seat, while the African People's Convention (APC) won a single seat with only 30 677 votes.

The PR list system, especially when there is a low threshold, can lead to a proliferation of political parties, leading to difficulty in forming a multi-party coalition cabinet in parliamentary executives. Parliamentary fractionalisation and quickly alternating executives – e.g. Italy since World War II – would have a destabilising effect in an emerging democratising society such as South Africa. However, should party fractionalisation become a problem in future, some constitutional engineering could be put in place to control it. The well-known minimum threshold for a party to gain seats could be put in place, like in Germany, where a 5 per cent *Sperklausel* exists: if a party does not gain at least 5 per cent of the proportional vote, it receives no seats. In the 2014 elections, 13 parties gained seats in the South African National Assembly.

Nonetheless, coalitions do have several merits. For instance, they tend to enhance the representativeness and inclusiveness of cabinets, adding to the legitimacy of political decision making. Coalitions invariably require 50 per cent or more support in parliament to endure over time, which is why they are often recommended for deeply divided societies. PR list systems such as those in South Africa tend to promote a coalition government over time. No enforced coalition need be written into the constitution if a PR list system is maintained. In fact, the 1994-2017 ANC-in-government was an intraparty coalition of races, ethnic groups, classes and interest groups (such as feminists, labour and business interests, and environmentalists).

Cabinet instability, sometimes seen as a negative consequence of coalition arrangements, can be stabilised by parliamentary rules. These can include limiting the opportunity to move for a vote of no confidence (France, South Africa); giving government business preference in parliament (Belgium, South Africa); a strong party caucus system (The Netherlands, South

Africa); a constructive vote of no confidence in the head of government (in Germany in the Chancellor); and prohibition of 'busting' (substantially changing) of the government's budget (France and South Africa at present). Moreover, the present South African Constitution limits the dissolution of parliament: The president, according to section 50, cannot dissolve the NA unless a period of three years has lapsed since the last election was held.

Party fractionalisation, that is parties breaking up during their term of elected office, can be controlled (managed) by parliamentary rules that prohibit a single member of a party from crossing the floor. The rule could be that only a party fraction may cross the floor, say a minimum of five members or 10 per cent of members of parliament, whichever is the lowest.

The list PR system in South Africa has made a definite contribution towards gender representivity in the NA. After the 2014 general election, 42 per cent of all members of the NA were women, with the ANC, as the ruling party, setting the example of 49 per cent of its members in the NA being female. Moreover 41 per cent of the 2014 cabinet members were women. This is one of the highest percentages of gender representivity in the contemporary world, including in Scandinavia.⁹

THE SLABBERT COMMISSION OF INQUIRY INTO SOUTH AFRICA'S ELECTORAL SYSTEM

Between the first general election in 1994, and the second general election in 1999, a wide variety of research papers and academic conferences investigated, commented on, and criticised the pure proportional electoral system of South Africa. By 2001, these research reports and their findings had led to the appointment of an Electoral Task Team, (ETT) popularly known as the Slabbert Commission, to report on possible electoral reform. Dr Frederik van Zyl Slabbert, a trained sociologist and well-connected businessman, who had served as leader of the liberal opposition Progressive Party from 1979-1986, was asked to lead the task team. The team's main task was to find a way to make public representatives more accountable to the electorate, while maintaining the proportional outcome of elections (a constitutional requirement). The task force solicited public submissions, held a well-publicised and well-attended Electoral Reform Workshop in September 2002, and released its report in March 2003.¹⁰

THE REPORT OF THE ELECTORAL TASK TEAM AND THE DRAFT ELECTORAL SYSTEMS BILL, 2003-2004

Reduced to their essentials, the ETT majority report recommended the introduction of 69 multi-member constituencies, which would elect 300 members to the NA, with the remaining 100 members elected on a closed party list proportional electoral system. These 100 seats would be used to compensate for any distortions in party representation accumulated in the 69 multi-member constituencies. The boundaries of the 69 constituencies would be drawn along existing provincial, municipal and metropolitan boundaries. In other words, no special delimitation of seats would be needed. Representation at the constituency level, as well as on national lists, would be through a closed party list PR system. The number of representatives per constituency would range from a maximum of five seats (in metropolitan areas) to a minimum of three (in rural, sparsely populated areas). Each representative would correspond to roughly 60 000 voters in the multi-member constituencies.

The government's immediate reactions to the ETT report was to maintain the status quo in the 2004 election and it suggested that the newly elected government should review it and make a decision in advance of the 2009 polls. To those who attended a workshop organised by Slabbert in September 2002 at Newlands, Cape Town, it was clear that the ANC was in no mood to change the existing national electoral system. Numerous ANC speakers at this workshop emphasised the benefits of the status quo, the main ones being ensuring gender representation and maintaining stability through strict party discipline. ANC speakers refused to see the lack of accountability in the present pure list system as a serious drawback.¹¹ Moreover, it was also clear that the IEC had no appetite for engaging in major reforms to the electoral system, fearing it would tax its administrative capacity.

Nevertheless, despite the ANC's attitude, Mangosuthu Buthelezi, the then Minister of Home Affairs (and also the leader of the IFP in 'coalition' with the ANC) published a draft Electoral Systems Bill in March 2003. I surmise that this was done on his own initiative, since Cabinet had already made its position clear on the issue of electoral reform shortly after receiving the ETT's report. As far as can be ascertained, the draft bill was never tabled in the NA and thus has had no status other than inviting comments before 1 July 2003.

The above-mentioned Draft Electoral Systems bill was clearly inspired by the Slabbert Report. It proposed that the whole territory of South Africa be demarcated into electoral constituencies (voting districts) by the

Municipal Demarcation Boards. The area of each municipal district council was to become a constituency for the purposes of an election, while areas with metropolitan councils were to be divided into constituencies. Each district council constituency was to have at least three seats and not more than seven seats, while metropolitan constituencies were ideally to have four seats, but not more than five seats and not less than three seats. (These numbers differ since a formula was prescribed in terms of which seat quotas were calculated for each constituency.) In total, 300 seats were to be allocated to these multi-member electoral constituencies, leaving 100 seats to be allocated to party lists. As in similar systems, the results of a constituency election were to be declared first and any disproportionality of the final results was to be compensated for by allocations from the party list seats. However, the proposed allocation of seats per constituency is complex. Recalculation would be needed in certain cases, depending on the final total number of votes cast, which would slow down the process of calculating the final allocation of seats. Moreover, in cases where there is a surplus in terms of the Droop calculation of seats allocated to parties, the surplus seats compete with each other. Given the well-known low functional numeracy of many adult South Africans, a complex method of calculation and recalculation would delegitimise the outcome of an election.¹²

The bill outlawed crossing the floor, with no provision made for by-elections, since vacancies were to be filled from national or constituency party lists registered with the IEC prior to that election. If, as in the past, national and provincial elections are held on the same day, a voter would receive four ballot papers in each constituency:

- A National Assembly ballot paper for the constituency party list vote;
- A national ballot for the National Assembly party list vote;
- A provincial legislature ballot for the constituency;
- A provincial party list ballot.

All the ballots were to reflect the names of the political parties, with no provision made for personal candidacies. As it proposed, in effect, a type of closed party list system on a multiple scale, the bill did not recommend a personal system of representation at the constituency level, so there would be no real personal bond between the representative and the constituency. In the Draft Electoral Systems Bill, party constituency lists are similar to the national list of representatives, with no provision for voters to change the party's priority regarding its list of candidates through preferential voting or *panachage* (that is, voting for candidates from different parties instead

of for the set list of one party). In effect, the Bill proposed a much more complicated proportional electoral system to administer and understand, yet provided little improvement over the existing closed party list PR system. The principal drawback remained, namely that no direct bond between voters and their public representatives was provided for in the large multi-member constituencies (with about 450 000 voters per constituency). A constituency would elect up to seven party representatives nominated or selected by the party leadership. There is no incentive for a representative to accept personal political responsibility.

The Bill did not take into consideration other proposals to enhance accountability that are contained in both the Slabbert Report and the electoral systems debates. For instance, no provision was made to oblige parties to make public the sources of their funds, internal party democracy was ignored, and there were no provisions for electors to recall representatives. In sum, this Bill does not pass muster. It is an obfuscation of the issue and should have been rejected out of hand. It is no loss that it was never taken further.

RECOMMENDATIONS FOR CHANGES TO BE MADE TO THE PRESENT SYSTEM

The purpose of the changes recommended is to retain the general principle of PR as prescribed by section 46 (1) (d) of the 1996 Constitution. In any case, the advantages of PR for South Africa are too important to exchange for majoritarianism.

ALLOW A FREE MANDATE

The principle of the free mandate for members of the NA should be reintroduced. A compulsory (imperative) party mandate in the South African electoral legislation flies in the face of the general tenor of human rights in the Constitution. The free mandate is more democratic and compatible with the general tone of a free and open society; it loosens the power grip of party leaders and makes parliamentary representation of voters a greater reality. Internationally, France, Germany and the Netherlands are well known examples of states that prohibit an imperative mandate. However, withdrawal of the imperative mandate in South Africa led to party hopping and

much cynicism from the electorate – members of the NA mostly changed party allegiance to safeguard their own parliamentary position rather than because of political principles. The ANC-in-government at the time ensured the rules for party hopping were such that no individual could change their party allegiance: the full party had to change allegiance or at least 10 per cent of party members had to change parties. It was a cynical move by the government of Mbeki, since the rules ensured that no individual ANC member of the NA would be able to change allegiance. In practice, smaller parties tended to join the ANC for selfish reasons of survival – the NNP did so in 2009 and is the prime example. However, the free mandate could be reintroduced in another format, as argued below.

INTRODUCE A FORM OF PARTY PRIMARIES

The present electoral system does not require political parties to select candidates for their list by democratic means. The bond between party members and candidates can be strengthened by requiring parties to follow internal party nomination procedures that are inherently democratic and based on a popular vote by party members. It should be a legal requirement that candidates cannot be nominated onto a party list unless they have been through an internal party democratic nomination procedure, under the auspices of the IEC or an independent NGO such as the Electoral Institute for Sustainable Democracy in Africa. The crux of democracy, in many ways, is that the demos select their leaders competitively. To restrain, control and influence leaders, the demos must have the full and unfettered power to choose them. Therefore, elections must occur regularly. Leaving the choice of candidates for selection to legislatures in the hands of the party bosses alone, in effect, deprives the demos of this power. If all power flows from the people, as section 42 (3) of the Constitution explicitly says: ‘The National Assembly is elected to represent the people to ensure government by the people through the constitution, then the people have the right to decide on their candidates for the elections.’

However, the obligatory reselection of candidates by local party structures in Britain’s Labour Party, during the last 20 years, has been less than encouraging. The experience was negative, since it encouraged bloc voting by unions and created other types of oligarchs – union bosses – who controlled the party from without. This can be circumvented by the simple rule that unions and other interest groups in a party not have any voting power.

Only individual party members should have the right to participate in a party primary on a one-person-one-vote basis.

What could be used profitably in party selection procedures is the so-called approval voting, advocated by Steven Brams.¹³ Party members, when voting for candidates, can vote for as many candidates as the voters approve of, without ranking a candidate. If only one candidate is to be selected, the candidate with the most approval votes wins. If two candidates are to be selected, the two with the most approval votes win, etc. This method would allay the problem of left or right wing activists in a party electing extremist candidates. Experience shows that approval votes result in a more accurate representation of centrists or moderates, which is usually the largest single group in any electorate.

However, the law should not prescribe the internal party voting system. The general rule should be something like this:

Parties are required to hold internal selection procedures of candidates standing for election to legislatures, which, in general, must be based on accepted democratic voting practices.

One could allow the party leadership some form of direction over the final candidate list by allowing the leadership to retain control of the position of each member on the party list. Internal party rules, lodged with the Independent Electoral Commission (IEC), could govern the acceptability of candidates. These would have to be administratively fair and not conflict with the Constitution. The Electoral Institute for Sustainable Democracy in Africa or the IEC should certify that an internally democratic procedure has been followed by the party concerned in selecting candidates for the official list.¹⁴

INTRODUCE THE PRINCIPLE OF PARTIAL GEOGRAPHIC REPRESENTATION

The system advocated here is similar to the German system and the electoral system used in municipal and local government elections in South Africa: it is known as the principle of combining the first-past-the-post electoral system with a PR list system – generally referred to as multi-member proportionality. It should be conceptualised as a proportional system of representation with a geographic element. It is not a dual¹⁵ electoral system, since the overall outcome of the election is proportional. Therefore, it complies with the Constitution, which prescribes an electoral system that

'in general, results in proportional representation'. The mechanics of the proposal are as follows. First, allocate 200 of the 400 seats in the NA geographically. Second, for the other 200 seats in the NA, apply the present system of pure party list proportional representation to elect 200 members, using the same rules of seat allocation that apply at present.

Introduce a double ballot: one for the national proportional list, one for a local geographic constituency. Proportionality is maintained by allocating the number of seats to each party after its geographic candidates have been allocated. As follows: Constituency elections are held on a simple relative majority, winner takes all basis (similar to the previous provisions for the House of Assembly prior to 1994 and in present local government wards). Proportionality of outcome is guaranteed by using only votes cast for the national party lists to determine the proportion of overall party support in the NA. No threshold of 5 per cent (*Sperklausel* in Germany) is required. Only the natural mathematical threshold is used.

INTRODUCE THE RIGHT OF RECALL

To further strengthen the accountability of constituency based representatives, the introduction of the right of recall of such representatives by the electorate in the constituency should be considered. To eliminate frivolous recall initiatives, the conditions for such a recall should be stringent. Conditions could be the number of signatures required to validate a recall initiative, the number of times in the term of office of a member of the NA that such a recall can be undertaken, the grounds for a recall, and appeal to the courts to check the validity of a recall, and so on.¹⁶ If sound and reasonable recall procedures are introduced, experience suggests that it can have a wholesome effect on the quality of representatives that are put up as constituency candidates, service delivery in constituencies, and accountability to the electorate. Moreover, to further limit frivolous party hopping, any constituency representative who changes parties after being elected, could be required to renew his or her mandate from the electorate by facing a by-election within say six months of changing parties – unless, of course, the representative was elected as an independent and, therefore, has an individual electoral mandate.

MAKE PUBLIC THE SOURCE OF OUTSIDE PARTY FUNDING

At present, there is no legal obligation on political parties in South Africa to make public the sources of their funding. This is clearly incompatible with the South African constitutional principle of a democratic and open society. Closed party books inevitably lead to concealment of bribery, nepotism and favouritism. It is, therefore, proposed that political parties be obliged by law to lay open to inspection in parliament audited statements of accounts, which should include a summary of the types of expenditure and the source of any donations exceeding R20 000 per annum (ca. US\$1 400).

CONSEQUENCES AND CAVEATS OF THE PROPOSALS

- A proper voters' roll for each constituency is imperative.
- The number of voters per geographical constituency would be about 100 000, which is not out of the ordinary in democracies. In the US, with about 230 million voters represented by 435 members in the House of Representatives, the number of voters per seat is almost 500 000. If provinces and local governments also allocated 50 per cent of their seats geographically, voters would have adequate geographic representation of their interests, while minorities would have almost perfect proportional representation.
- A further consequence of a split geographic and PR list electoral system would be that voters could split their votes strategically between two parties. The final result, however, would still be proportional to the votes a party received in the PR list vote, which is, in effect, a massive countrywide opinion poll. This would reflect the opinion of the electorate more accurately than a majoritarian system ever could.
- In my judgement, the single member district could, but does not necessarily, create a bond between electorate and representative in the presence of the de facto party mandate. In practice, in both the pure PR list system and the constituency first-past-the-post system, the ordinary member of parliament is beholden to the party. Somewhat less so in first-past-the-post, but independent candidacies in first-past-the-post systems are rare and of no real consequence in terms of democratic accountability. The defence for the first-past-the-post geographic based system of representation should be undertaken in pragmatic terms, as argued below:

- First, in the proposals above, the geographic or constituency members of parliament face party reselection every five years, making the candidates more responsive to the needs of their immediate constituents, and balancing (somewhat) the powers of the party bosses.
- Second, members of parliament face the problems of all electors in the five years of their term of office. This brings closer to home the problems and challenges in the constituency, and moderating extremist party political views.
- Third, the member of parliament is the conduit between the various interest group lobbies and the government, e.g. business associations, professional associations and municipalities. In short, the whole of the civil society lobby could use their member of parliament as a formal representative to gain access to government structures and decision makers.
- Fourth, the MP can act as ombudsman to constituents and government structures. Primarily the member of parliament will tend to help party supporters, but it would be in a parliamentarian's interest to also give aid to constituents. The main reason is self-interest; good service greatly aids re-election.
- Fifth, the members of parliament will have a vested interest in canvassing support by canvassing card carrying members to their party in order to secure reselection to the party candidacy for the next general elections.
- Sixth, constituency based members of parliament have the advantage that they enjoy the symbolic approval of their constituency by formal election, even if all constituents did not give their support in the election.

German history since 1948 and South African local government election experience since 1996 suggest that only large parties would capture constituency seats if the above changes are made to the South African electoral system. Therefore, smaller parties would still be left with the problem of finding some form of bond between their party list, public representatives and their supporters. The informal designation of members of parliament to geographic areas since 1994 has not been a success. One insurmountable problem, according to parliamentarians, is the lack of a formal locus standi in dealing with government agencies. A possible solution to this problem is a system of formal accreditation, in which party list members of parliament could be accredited to geographic areas, giving them locus standi with government agencies. Alternatively, the Constitution or ordinary legislation could be adapted to read that members of parliament are the bond between

the electorate and government agencies and that agencies are obliged to be helpful in facilitating this bond.

Something like the following could be added to the Constitution, section 42. (3).

A member of the National Assembly represents the people. In the interest of open and accountable government, all government institutions are required to be helpful in the execution of the legitimate representative duties of a member of the National Assembly.

Alternatively, it could be a provision in the Public Service Act. This would make it less controversial, since the 'separation of powers principle' could be compromised if it was written into the Constitution.

WHAT ABOUT PROVINCIAL LEGISLATURES?

In my judgement, provincial legislatures should also be elected using the same principles as those used for election to the NA, i.e. half the seats for each provincial legislature should be elected on a FPTP system and half on closed party list PR. However, this would need careful consideration and reform, *inter alia* whether or not provincial assemblies should have a fixed term of office, and that interim elections are held when a provincial assembly became hopelessly 'hung'. A premier could call for fresh elections, but only for the unexpired term of office of the provincial assembly. Another question that would complicate simultaneous NA as well as provincial elections with a constituency element added, would be that voters would most likely have to vote at different voting stations for their provincial and NA elections, simply because provincial and NA constituencies may not necessarily coincide. Likewise, local government elections could not be held simultaneously with national and provincial elections, since wards would differ and voters would also have to move to different voting stations on election day. However, my general sentiments are that provincial assemblies should be elected on the combined closed PR list and First-past-the-Post (FPTP) systems, Multi-member Proportionality (MMP) for reasons argued above.

ELECTORAL ENGINEERING: LIMITS

Following Lijphart's work, I suggest that what can be achieved with the changes to the South African electoral system, as argued in this chapter, is the following:

- The high degree of proportionality in South Africa could be maintained with these proposals. The disproportionality of first-past-the-post as well as multi-member constituencies and preferential voting would be unacceptable for a divided South African society.
- According to Lijphart, the electoral system cannot dramatically influence the characteristics of the party system. Contrary to the received knowledge that first-past-the-post leads to a two-party system, evidence from Papua New Guinea shows that in divided societies it could also have the consequence of a proliferation of parties and candidates winning with as little as 12 per cent of the aggregate vote in constituencies.¹⁷ There is no need at present for South Africa to have a two-party system underpinned by electoral engineering of the first-past-the-post kind.
- To my mind, the electoral engineering suggested in the above proposals would add to democratic accountability and to the consolidation and stabilisation of the broadly democratic values that South Africans seem to be internalising.

Finally, the test of an electoral system suggested in Steytler and de Ville¹⁸ holds for the proposals. They suggest that an electoral system should have the following attributes.

CONCENTRATION / INTEGRATION

A pure PR system, as used at present, has the potential to lead to a fractionalised political system, making the formation of an effective government and parliament somewhat problematic. Weimar Germany (1919-1933), pre-5th Republic France and Italy and Israel since 1948 are examples of short-lived executives. The Federal German post-war experience since 1948 resulted in the multi-member system being followed and the constructive vote of no confidence in the Chancellor solved the problem of the revolving door executives of Weimar Germany between 1919 and 1933. However, should executive instability become a problem, some changes could be effected to

the electoral system, such as increasing the threshold for participation to say 3 per cent or 5 per cent.

REPRESENTATION

Implementation of these proposals would no doubt foster a high degree of representativeness of the various interest groups in society. The district (constituency) system would foster the bond between electorate and representative, while the PR system would foster the representation of other interest groups such as women, cultural minorities, environmentalists and so on.

SIMPLICITY

The proposed system is more complicated than a pure party list PR system, but not that complicated for instance as when *panachage* or apparentement is allowed in multi-member constituencies. One has to keep in mind that almost 50 per cent of South Africans are functionally illiterate. Moreover, the proposals for electoral reform of the national and provincial electoral systems are almost identical to the system that has already been used in local government elections in the last three local government elections. If we can do it at local level, why not repeat it at provincial and national level?

LEGITIMACY

The party list PR system already has high legitimacy, as elections held since 1994 have clearly demonstrated. Adding a geographic element would enhance that legitimacy. Note that the 73 per cent turnout of registered voters in the 2014 general election is quite a good indicator of the legitimacy of the system.

FAIRNESS

The proposals would result in defensible fairness and equity of representation. No vote that is cast is lost, the proportional part sees to this. In other words, every vote counts.

VOTER PARTICIPATION

Voter participation in South Africa in the first four elections was quite high as a result of a highly legitimate electoral system (the PR list system). Adding a geographic element would do no harm and would conceivably enhance legitimacy.

EFFECTIVE GOVERNMENT

Effective government is the favourite of the Anglo-Saxon world. This means a government with a decisive majority in parliament, a government that need not pander to a minority coalition partner and can at all times act decisively. In my understanding, Lijphart has demolished that theory: rather than have a strong-handed government, let us have a steady-handed government. Bear in mind that no government in the United Kingdom has ever gained a popular majority at the polls since 1945. The Conservative Party Government in the United Kingdom won only 36 per cent of the popular vote in 2015 yet enjoys an overall majority in the House of Commons. Clearly, in South Africa, a government that enjoys the support of only 36 per cent of those who voted would not have legitimacy and would quite rightly be considered a government that represents a minority of the electorate.

PARTY SYSTEM PROMOTED

The proposals promote an effective party system, particularly by requiring internal democracy and accountability. This could potentially help to avoid the often violent clashes that were prevalent in the run-up to the 2016 local government elections, since the local party would play a larger part in candidate selection.

REPRESENTATION OF CONSTITUENTS

The proposals do make provision for the representation of geographic constituents and would go a long way toward making representatives more accountable to their constituents.

CONCLUSION

This chapter argues that the present pure proportional system of representation in South Africa is fair and representative of the electorate, and that it enhances gender representivity. However, it does not promote accountability of individual public representatives. It is argued in the chapter that an element of geographic representation should be added to enhance accountability. Together with other reforms, such as recall initiatives and internal party primaries, stronger individual mandates and accountability would most likely be the consequence. The system proposed for the National and Provincial Assemblies, is, in essence, the same as that used for local government elections in South Africa. It maintains compliance with the constitutional obligation that, in general, the electoral system should result in a proportional outcome.

ENDNOTES

- 1 Lijphart, A., 1990. Electoral systems, party systems and conflict management in segmented societies. In Schrire, R., (ed.), 1990. *Critical Choices for South Africa: an agenda for the 1990's*. Cape Town: Oxford University Press, pp. 11-30; Lijphart, A., 1994. Prospects for power sharing in the new South Africa. In Reynolds, A. (ed.) *Election '94*. Cape Town: David Philip; Lijphart, A., 1984. *Democracies; Patterns of majoritarianism and consensus government in twenty-one countries*. New Haven: Yale University Press.
- 2 ISS Policy Brief 61, August 2014.
- 3 Merten, M., 2016. It's elections time and you're looking for your MP? Good Luck with that! *The Daily Maverick*, 26 June 2016. Available at <https://www.dailymaverick.co.za/article/2016-06-26-its-elections-time-and-youre-looking-for-your-mp-good-luck-with-that/#.WLvlyBhh2Rs> [Accessed 27 June 2016].
- 4 Ibid.
- 5 Whilst MPs in the apartheid system enjoyed a free mandate, in practice most were beholden to the party that got them elected. There were instances where individual party members 'hopped' to an opposition party during their term of office, without losing their seats. However, they invariably lost the seat at the next general election. A free mandate means that an MP does not have to toe the party line and could vote according to conscience and not lose the legislative seat he or she represents. An imperative mandate means that the MP has to toe

- the party line, since he or she represents a party. Voting against the party means that the MP loses the seat and has no future in politics.
- 6 See: Section 15: freedom of conscience, section 16 freedom of expression, section 18 freedom of association, and section 19 political rights. Section 19(3) (b) specifically states: 'Any person is free to make political choices, including the right to be a candidate for a public office and to be elected to that office'.
 - 7 Lijphart, A., 1984, 1990 and 1994.
 - 8 Cf. De Ville, J. and Steytler, N., 1996. Voting in 1999: Choosing an electoral system. Durban: Butterworths, pp. 19-24, for a discussion of the mathematics of the allocation of remainders.
 - 9 Cf. ISS Policy Brief 61, August 2014.
 - 10 The papers and debates from this workshop are available as Electoral Task Team Review Roundtable: Electoral models for South Africa: Reflections and options; published by the Konrad Adenauer Foundation, Johannesburg, South Africa. Seminar Report, May 2003. Available at <http://www.kas.org.za> [Accessed 3 August 2016].
 - 11 Based on personal observations at the seminar.
 - 12 For a discussion of the Droop allocation of remainders, cf De Ville, J. and Steytler, N., 1996, pp. 19-24.
 - 13 Cf Brams, S. and Fishburn, P., 1978. Approval voting. *American Political Science Review*, 72(3), pp. 831-837.
 - 14 The ANC constitution and internal party rules make provision for what could be called internal party primaries. However, despite promising that this internal contestation is democratic, a close reading of the rules for popular nomination of candidates via party branches still places a good deal of power in the hands of the ANC's NEC. The NEC in effect, has veto power over candidates nominated by branches. Moreover, the tenor of the internal rules of the ANC is to remind the ordinary membership that the ANC adheres to the revolutionary principles of democratic centralism and the superior status of higher structures is emphasised. This hardly enhances individual accountability of nominated candidates in their municipal wards or of list members in the other two spheres of government. The DA system of bureaucratic selection of candidates is not popular democracy either, it is more or less in line with Roberto Michels' iron law of the oligarchy, as with the ANC. By law, stronger local participation in determining who is to represent the party in elections is, in my judgment, essential in reforming South Africa's electoral system.
 - 15 A dual electoral system is one in which half the representatives are elected on a first-past-the-post system and the other half on a PR system – party list or otherwise. But the overall results are not calculated to be proportional. The Russian Federation uses such a system.

- 16 For a discussion of the recall principle, see Cronin, T.E., 1989. The politics of initiative, referendum and recall. Cambridge, MA: Harvard University Press; Cronin, T.E., 1989. The politics of initiative, referendum and recall. *Western Political Quarterly*, 28, pp. 66-67; and ISS Policy Brief 61, August 2014.
- 17 Reilly, B., 2002. Political engineering and party politics in Papua New Guinea. *Party Politics*, 8(6) p. 705.
- 18 De Ville, J. and Steytler, N., 1996.

CHAPTER 3

Women, the Electoral System and Political Parties

Yolanda Sadie

INTRODUCTION

South Africa's electoral system and its political parties shape the opportunities women have to gain access to political representation. With the exception of Rwanda (63.8 per cent) and Bolivia (53.1 per cent), the presence of women in political decision-making, particularly at legislative level, has not equalled that of men.¹ Studies done in different parts of the world have found, however, that sexist views among the electorate are not holding women back from political participation, nor is there any clear correlation between hostility to women in leadership positions and the actual number of women in political decision-making positions.² Explanations for why women are under-represented lie elsewhere: in a combination of institutional and social factors – on the one hand political institutions particularly the electoral system and political parties, and on the other, social obstacles such as limited resources, lifestyle constraints and the fact that politics is perceived to be a male-dominated arena where women lack confidence.³

The type of electoral system used plays an important role in a woman's chance of getting elected. Countries with proportional representation (PR) tend to have more women elected than those with a winner takes all majoritarian or plurality single-member district system (i.e. first-past-the-post – FPTP). In PR systems where seats are allocated according to the percentage of votes received, parties try to balance the field of candidates, in order to appeal to a variety of groups in society (such as women, who happen to comprise half of the population) without leaving men out, as would be the case in a majority system. In other words, as is often argued, there is less risk in PR systems for parties to adopt equality strategies and to field equal numbers of women and men in elections. In majority systems, the motivation is different: parties field candidates who, in their view, have a

greater chance of winning the most votes. In most of these cases, the party leadership chooses male candidates.

Another important reason why PR systems can help women is that a process of 'contagion' (whereby parties adopt policies initiated by other parties, e.g. nominating a percentage of women as candidates) is more likely to occur in a PR system than in a majority or plurality system. For other parties competing in a PR system, the cost of adopting such a policy would be lower than the cost for parties competing in a majority/plurality system and the gains could even be greater.⁴

However, some PR systems are preferable to others. The most advantageous PR system for women is where the whole country is one electoral district, provided that women occupy a 'winnable' place on the party list (with a zebra-style 50 per cent representation on party lists being the ideal). Also beneficial to women is a PR system that guarantees higher party magnitudes (i.e. where a party can win several seats in a district).⁵

Although a PR system seems to provide women with a better chance of being elected, this can only be achieved in combination with positive action measures such as quotas – whether formally legislated by government or informally implemented by political parties. Therefore, a PR system should be considered a 'facilitator', rather than a 'guarantor' of better female representation.⁶

Political parties are the gateway to political candidacy, because they are the gatekeepers in the candidate selection process. Traditionally, political parties have been highly gendered institutions, despite the fact that women comprise more than half the voters, as well as half the party supporters. Generally, women also do not have equal status in the executive structures of parties.

The role of political parties in the candidate selection process is critical to increasing the number of women elected. Furthermore, the characteristics of a party, particularly its ideology and its organisational structure, could also influence women's representation. Women tend to fare better in leftist parties (in particular, in those with New Left values of social equality); also, parties with a higher proportion of women activists are more likely to increase women's representation.⁷ These aspects will be dealt with in the discussion below.

The first part of this chapter addresses the manner in which the electoral system facilitates women's political representation in South Africa. In the second part, the focus shifts to the major political parties in South Africa (in particular the African National Congress (ANC), Democratic Alliance (DA) and Economic Freedom Fighters (EFF)) and their commitment and role in

increasing the number of women elected and how their respective characteristics are conducive to women's representation.

WOMEN'S REPRESENTATION AND THE ELECTORAL SYSTEM

As Albert Venter outlined in Chapter 2, South Africa's electoral system at national level and provincial level is a proportional representation close list⁸ system (in which the whole country is one electoral district in the case of the former, and where each province serves as an electoral district in the latter), which has facilitated women's representation. The ANC's introduction of an initial quota of 30 per cent representation of women on the party list (for the 1999 and 2004 elections) and an increase to 50 per cent (zebra-style for subsequent elections) resulted in a high proportion of women being elected to Parliament – with an all-time high of 43.5 per cent in 2009. Unfortunately, the percentage of women represented in the fifth democratic Parliament (after the 2014 elections) declined to 41.9 per cent. This drop is related to the decline in the number of ANC-held seats (from 264 to 249), combined with other parties – particularly the DA (as the major opposition party) – not using gender quotas to secure the representation of women.

Although the ANC is the only party with a quota for women, it seems that the quota system adopted by the party has had a contagion effect on other parties. Women have made a stronger showing on the nomination lists of opposition parties since the 2004 elections. For example, in the 2014 national and provincial elections, female candidates constituted 43 per cent of the Congress of the People's (COPE) general party list, 48 per cent of the Inkatha Freedom Party's (IFP), 35 per cent of the DA's and 31 per cent of the United Democratic Movement's (UDM).⁹

South Africa's electoral system at the local government level differs from the system at national level. At local level it comprises a mixed member proportional system – a combination of proportional representation and the FPTP system – with 50 per cent of representatives elected in ward elections and 50 per cent elected from a proportional closed list. Although a mixed system is still preferable to a pure majority system for enhancing women's representation, the FPTP leg of this system often precludes female candidates from running or winning election. This will be illustrated: on the one hand, by a gender analysis of the 2011 and 2016 local government elections; and, on the other, by the selection of candidates by the three major parties (ANC, DA and EFF) and the manner in which the electoral

system influenced candidate selection in the 2016 local government elections. A gender analysis of both the 2011 and 2016 local elections clearly illustrates that women fared significantly better on the proportional representation ballot than at the ward level, where the FPTP system is used. As Table 3.1 below shows, female councillors constituted only 33 per cent of the ward councillors in both elections, compared to 43 per cent and 48 per cent respectively on the proportional representation side. This is indicative of each political party's entrenched patriarchal view that it is less risky to nominate a man than a woman in a single-member ward. This view is even more prevalent in a largely rural and traditional province such as KwaZulu-Natal, where support in the 2011 elections was split between the ANC and IFP. The province had the lowest proportion of women in ward seats – 17 per cent – compared to 44 per cent PR seats, with an overall 30.5 per cent female representation. In the 2016 local government elections, the province also had the lowest number of female ward candidates (24 per cent).

Table 3.1 Gender outcome of the 2011 and 2016 SA local government elections (proportional vs ward)

	Women Councillors		Men Councillors		Total		% Women Councillors	
	2011	2016	2011	2016	2011	2016	2011	2016
PR	2 086	2 835	2 727	3 012	4 813	5 847	43	48
Ward	1 408	1 384	2 869	3 004	4 277	4 388	33	33
Total	3 494	4 219	5 596	6 016	9 090	10 235	38	41

Source: IEC – Detailed results data: 2011 Municipal Elections and Hicks et.al.

The low number of female ward representatives is particularly worrying, given that ward councillors are perceived to be the 'real' representatives of the people and therefore have greater legitimacy – giving men an advantage.¹⁰

Also, as Gouws¹¹ argues, local government and traditional leadership are the only governmental jurisdictions to which rural women are really exposed. Therefore, a lack of involvement in local government in rural areas can have a detrimental effect on women's access to basic human rights and economic opportunities.

KwaZulu-Natal and the DA-controlled Western Cape (33.5 per cent) had, overall, the lowest proportion of women representatives in the 2011

elections, while the DA had the narrowest difference between the proportion of women in PR and ward seats (34 per cent and 33 per cent). In the 2016 elections, the DA again had the narrowest difference between women in PR and ward seats, but this time the party did significantly better in the ward seats (38 per cent) than in the PR (34 per cent) seats. Given that the DA is not in favour of any quota system and emphasises merit for candidate selection suggests that women are capable of improving their current position in the party. The above mentioned results clearly seem to underscore this assumption. However, since the party has made little progress in improving its women's representation over the past 25 years, such an evolutionary approach could prolong the quest for equal gender representation.¹²

The 2011 local government election results, for example, illustrate the effect that voluntary party quotas in a closed list PR system has on where parties place women on the list. In its party lists, the ANC came close to parity (47 per cent), because the party had more women than men at the top end of its lists, resulting in 55 per cent of PR elected councillors being female.

This situation was no different in the 2016 local government elections, where the electoral system affected the candidate selection process. As Table 3.2 shows, the ward lists of the three major parties (the ANC, DA and EFF) were male dominated – two-thirds of the candidates on the ward lists of the three parties were men. Although the ANC's *2016 Local Government Candidate Selection Process* manual mentions, 'The process should ensure that the ANC policy on gender parity is applied and adhered to' (i.e. the process of nominating candidates in the wards see point 29), it further emphasises, 'Consideration must be given to the selection of candidates able to win support in all wards' and, furthermore, 'Consideration must also be given to those ANC members who are popular in communities, and recognised as local leaders even if they do not hold any elected position in the organisation'.¹³ This emphasises that candidates are selected based on whether or not they are able to win wards. An equal number of men and women must just be nominated by a branch (see point 36) though it is evident that the outcome in terms of branch/ward nominations is not required to be gender balanced. Another problem that surfaced during the 2016 local government elections was dissatisfaction with the party's list of councillor candidates and the party's procedure for selecting candidates. Allegations were made that ward nomination of candidates was tampered with in some instances, and that regional structures allegedly removed preferred ward candidates.¹⁴ An un-transparent system, such as this, can be more detrimental to the selection of women, due to the domination of men in party politics.

The EFF also follows a candidate selection method that is close to the ANC (i.e. nominations from branches, etc.). However, in contrast to the ANC and EFF, the DA follows an application system whereby aspirant candidates (membership of DA required) apply to be nominated. Aspirant candidates are then evaluated in terms of merit by an Electoral College, which either approves or disapproves aspirant candidates. Provincial selection panels evaluate the approved aspirant candidates and rank the candidates on the lists, after which the relevant provincial executive committee reviews and approves the lists of nominated candidates.¹⁵ The fact that only a third of the DA's candidates were women may, be explained on the one hand, by the fact that women are reluctant to apply for nomination and, on the other, that not enough women 'of merit' applied. Furthermore, provincial executive committees who have the final say are overwhelming male.

However, the gender composition of party proportional lists provides a different picture (the exception being the DA), since both the ANC and EFF had a 60/40 per cent female/male ratio. Apparently, these parties wanted to compensate for the under-representation of women were at the ward level, in order to ensure an overall gender balance. However, despite the outward appearance of overall equality in representation by the ANC and the EFF, Teagle¹⁶ points out that: on the ANC's proportional list, women fill only 39 per cent of the top spots; in the case of the EFF, it is 26 per cent.

Table 3.2 Gender representivity on party lists – 2016 local government elections

Party	Proportional List		Ward List		Total Proportional and Ward	
	Female	Male	Female	Male	Female	Male
	%	%	%	%	%	%
ANC	60.61	39.39	33.39	66.61	47.00	53.00
DA	33.82	66.18	36.56	63.44	35.19	64.81
EFF	61.51	38.49	36.56	63.44	49.00	51.00
Total average	51.98	48.02	36.56	63.44	44.27	55.74

Source: Teagle¹⁷

The results from both the national and local government elections and each party's candidate list underline how the type of electoral system used is able to facilitate more female representatives. Clearly, proportional representation, accompanied by a committed quota for female representatives, and where women are represented in terms of a zip/zebra method on party lists, is the ideal system. Unlike a FPTP system, proportional representation has a contagion effect on other parties, which do not formally follow a quota system. Therefore, replacing the current national level proportional electoral system (because it lacks individual accountability) with a mixed electoral system, similar to that used at the local level, would negatively influence female representation. Indeed, if such a mixed system is to be introduced there should at least be an equal gender balance between proportional and constituency seats together with a 50 per cent legislated quota system using the zip/zebra principle on party lists.

In the past few years, the number of female representatives at national and local levels decreased along with the ANC's (the only party with an informal quota – though it does not always meet the quota) support. This despite a stronger push from the Independent Electoral Commission (IEC), Commission for Gender Equality (CGE) and NGOs such as Gender Links¹⁸ to institute such a legislated gender quota system.¹⁹ Although there is a perception that a legislated quota can only be instilled under a PR system, it is also possible in a majoritarian system/single-member constituencies system (municipal wards as currently is the case in South Africa), though it is more complicated. One way to practically meet a legislated requirement of 50 per cent representation of women in wards/constituencies is that with half the seats a party holds and where candidates are retiring the party selects candidates from an all-women shortlist for the next election. For their key target marginal seats, they should also select 50 per cent women. Other seats should be open to both men and women.²⁰ Parties could apply the same principle at national level in South Africa, if a mixed system be decided on in future. However, this would require that women are equally represented in the party structures responsible for making these decisions.

PARTY STRATEGIES FOR INCREASING FEMALE REPRESENTATIVES

Given the above, South Africa's political parties have to take advantage of the different electoral systems to promote female candidates at national, provincial and local government elections. Without party commitment

to increasing female representation, the impact of a PR electoral system remains limited. Lovenduski²¹ lists three main strategies that parties can use: equality rhetoric, equality promotion and equality guarantees. Equality rhetoric entails publicly acknowledging the need to increase the number of women – this can be done in campaign literature, party-political discourse and in the speeches and writings of party leaders. It therefore means ‘words and arguments are spoken and written that may well impact on attitudes and beliefs’. Equality promotion, on the other hand, refers to concerted attempts to bring women into competition. These include offering special training and financial assistance and setting targets for women’s presence that enable them to present themselves – in other words, to encourage and facilitate their ability to compete in various ways. Equality guarantees (positive discrimination) involves a more tangible approach to under-representation by directly intervening in the selection mechanism to effectively ensure both the selection and election of more women representatives. Quotas (voluntary or legislated) are examples of equality guarantees that have been introduced as a result of the demands made by feminist or women’s movements – either autonomously or within parties. Women’s agency is therefore critical in decisions to adopt quotas in parties.

EQUALITY RHETORIC

The issues that parties raise in their election manifestos and their campaigns are a reflection of how serious parties are about getting women elected in elections. Party manifestos also provide some insight into parties’ understanding of societal issues, the affect their interpretation has on female voters, and how they will address these issues. Even though manifestos are generally vague and focus on a broad range of issues, the extent and manner in which women/gender issues are reflected do provide some indication of a party’s commitment to gender equality and its sensitivity to women’s concerns, which may have a spill-over effect on the party’s interest in promoting female representatives. Equally important are the policy documents on which the election manifestos are generally based.

Despite the fact that women constitute over half of all registered voters in South Africa, party manifestos and campaigns in, for example, the 2014 elections, barely addressed the key concerns of women. Party manifestos have generally fallen short of mainstreaming gender, putting forward ways of promoting gender equality and enhancing the status of women. However,

as will be shown below, there seems to be an even greater lack of concern about gender issues and its domino effect regarding female representation and participation in local government. This is of particular concern, given that local government deals with issues that disproportionately affect women's gendered responsibilities (such as the delivery of water and electricity). Therefore, as Van Donk²² argues, local government should become 'a strategic site of struggle for gender equity'. Furthermore, a country's development requires the utilisation of its entire population, including women, and particularly in a context where they constitute 51 per cent of the population.

The ANC's 2014 election manifesto depicted the strongest pro-women approach, by showing a broader understanding of the challenges women face. It lists the progress the ANC has led over a range of issues, including: promoting equal representation of men and women in all institutions of government; institutional mechanisms that have been created to support women's rights and dignity; that women have been freed from cultural practices that undermine their rights; and the progress that has been made in meeting basic needs such as housing and access to water, which has especially benefitted women. The ANC also promises to address women's tenure security and access to land, to continue to 'prioritise incidents of domestic' violence and crimes through strengthening the Sexual Offences and Community Affairs Unit, and to pursue a multi-disciplinary approach to gender-based violence.²³

Contrary to the party's manifesto for the 2014 national and provincial elections, its 2016 local government manifesto only refers to women specifically in terms of 'working with all sectors in ending violence against women'.²⁴ In referring to the party's success in providing water, it states: 'Women in many informal settlements in cities and towns do not have to ask their neighbours for water. Far fewer rural women have to travel far distances to reach wells, dams and rivers to fetch water for their households'.²⁵ Nevertheless, this statement is indicative of its sensitivity to the plight of women in rural areas. However, as is the case with other parties, there is no reference to promoting gender equality or to encouraging women to ascend to leadership positions at local level. Also important in terms of rhetoric, is the president's message that introduces the manifesto, in which he emphasises the ANC's pledge to continue programmes that are 'advancing women in all sectors of society'.²⁶

The DA's 2014 national election manifesto, on the other hand, was mostly gender-neutral, making no reference to gender equality. It merely focused on violence against women in a way that treats women as victims, and not in terms of having the right to protection. It wants 'specialised Sexual

Offences and Domestic Violence courts to protect vulnerable citizens from abuse'; proposes a 24-hour Victim Link service for rape and other sexual offences victims; and (among other things) promises to undertake regular monitoring of police station compliance with the Domestic Violence Act and to establish an electronic system for monitoring domestic violence registers.²⁷ Equally gender-neutral is the party's lengthy (59 page) 2016 local government election manifesto, in which the only reference to women is its plan for municipal health facilities to provide free anti-retroviral medication to HIV-positive pregnant mothers and rape survivors.²⁸

In its manifesto for the national and provincial elections, the EFF²⁹ devoted special attention to gender equality and women's emancipation. Five points were raised, including: the recognition that black women are still discriminated against on the basis of race, class and gender; the pervasiveness of patriarchy and sexism, and that black women suffer most from gender violence and that interventions in this regard have been superficial; it will strive to liberate women through a variety of interventions, including education against patriarchy and sexism, with gender education to be compulsory for all (schools, work, family, church, etc.); it commits itself to a minimum of 50 per cent representation of women in 'all economic benefit and political participation and managerial and leadership responsibility'; it recognises that gender-based violence is reinforced by deplorable conditions and it will strive to transform the lives of people; lastly, it commits itself to the creation of 'a special unit in the police, supported by special legal and social work services to combat the open assault on women'. This recognises the fact that 'our society has reached a state of crisis when it comes to rape and violence against women'.

However, in its 2016 manifesto for the local government elections there is not a single mention of women.

The manifestos of the smaller parties such as the ACDP, COPE and the IFP made no reference to women or gender equality. However, in its local government election manifesto, COPE³⁰ mentions (under 'Services') that it will promote the interests of women in every ward by ensuring that there is a sub-committee in each ward that caters for women.

Under the heading 'Women Empowerment' in its manifesto, the UDM claims to recognise the need for a social paradigm shift on gender equality. However, it merely follows this with a statement that violent crime against women should be addressed. In addition, it states that women should be helped to 'establish co-ops as part of economic emancipation and job creation'.³¹ Similarly, in its 2016 manifesto, it emphasises that UDM councils will strive to create a local business environment that supports women.³²

In its local government manifesto, the IFP simply states that ‘women and children should feel safe on the street’. A reading of the party’s policy documents suggests that the party does not understand women’s personal rights, since it emphasises that it will not allow abortion and that maternity benefits to women won’t be mandatory. However, it states that it will ensure ‘that South African women achieve a position of substantial parity with their male counterparts (and) that success requires that women take up their position as contributors at all levels of decision making’.

In Gender Links’ analysis of the 2016 local government manifestos of the major political parties, the NGO concluded that ‘political parties cannot be said to be particularly gender-aware’. It rated gender-awareness in terms of five criteria: women’s participation; women’s equal access and participation in local economic development; women’s access to resources such as land, housing and credit; a gendered analysis of access to services such as water, energy and sanitation; and a gendered analysis of the promotion of women’s rights in terms of gender-based violence (GBV), HIV and AIDS, etc. Overall, Gender Links scored the parties as follows: ANC – 44 per cent; UDM – 40 per cent; Cope – 36 per cent; DA and EFF – 28 per cent; IFP – 24 per cent; and Freedom Front Plus (FF+) – 20 per cent. In terms of the indicator ‘women’s participation’, all the parties scored a mere one (out of five), except the UDM, which scored three.³³

Clearly, parties don’t campaign about women’s equality and women’s issues despite the fact that more women than men vote in elections. The former CEO of the IEC, Pansy Tlakula,³⁴ ascribed this lack of addressing women’s equality to the many issues to be dealt with, given that ‘we (the country) are just emerging from our liberation struggle’.

The rhetoric of equality and equal political representation of women in speeches made by party leaders is also important, since they could affect attitudes and beliefs and could change the male-dominated face of political parties. Occasionally the leaders of political parties publicly emphasise the advancement and equality of women – although this seems to occur mostly at Women’s Day celebrations. For example, at a Women’s Day rally in Ekurhuleni in 2013, Helen Zille, former leader of the DA, said ‘Women in SA are still fighting for gender equality and justice’ and that the DA needed to remain committed to the emancipation of women.³⁵ Addressing a Women’s Day rally in Siyabuswa, Mpumalanga, Julius Malema, leader of the EFF, emphasised that women are not liberated and that they are ‘equal partners in the struggle’.³⁶ At the ANC Women’s League (ANCWL) National Conference, held on 6 August 2015, President Zuma underlined the importance of the

Women's League 'to relentlessly pursue the struggle for women's emancipation from the shackles of patriarchy'.³⁷

However, despite the general pro-women rhetoric of political leaders and utterances made about gender equality, justice and the empowerment of women, both in speeches and in some party manifestos and policy documents, this is not yet reflected in women's political representation and their status within parties. Particularly disturbing is that, since 2009, when President Zuma (also President of the ANC) took office, there has been a stark contrast between his behaviour and traditional views on the one hand, and his public utterances regarding gender equity on the other. He has not only been described as 'often stone deaf to gender sensitivities',³⁸ but his term as president has been described by Lowe Morna, CEO of Gender Links, as one in which 'gender discourse in South Africa has taken its worst knock in the twenty years of democracy'.³⁹ Zuma's traditional views are reflected in statements such as: that the nations 'daughters' become a societal problem when they do not marry – for which the CGE reprimanded him,⁴⁰ his 'outrageously sexist' remarks to female journalists that he would like to compliment women more, but can't since it is perceived as harassment in modern times; and his remark that women were missing out on 'good men and marriage'.⁴¹

The EFF's progressive statements on gender issues in its 2014 national elections manifesto and Malema's emphasis that women 'are equal partners' in the liberation struggle, seem to contradict a number of sexist statements he made when he was still leader of the ANC Youth League. For example: he said that Zuma's rape accuser 'requested breakfast and taxi money', so she must have had 'a nice time'; he referred to Lindiwe Mazibuko (parliamentary leader of the DA at that stage) as 'a tea girl for the madam – she must stay in the kitchen'; and referred to Zille's all-male cabinet as her 'boyfriends and concubines'. These types of statements cast doubt on his commitment to gender equality and a non-sexist society.⁴²

Paradoxically, Zille's all-male cabinet in the Western Cape provincial council in 2009 and the DA's low representation of women in Parliament over the years do not reflect her rhetoric on women's equality, nor that of its current leader Maimane, who has also emphasised the equal treatment for every person (albeit in general-neutral terms).⁴³

However, despite the ANC's status as the most gender-progressive party, the DA's gender neutrality stance and the EFF's public commitments to gender equality, an Ipsos opinion survey, which was conducted in July 2016, found little difference in female support for the ANC and DA. The gender profiles of voters for the three biggest parties registered who said that they

wanted to vote and were likely to vote in the LGE (based on the medium voter turnout scenario) is reflected in Table 3.3 below. Although the ANC drew the largest proportion of female voters (55 per cent) it was only slightly ahead of the DA (53 per cent). Only 40 per cent of female voters indicated that they would vote for the EFF. These results seem to suggest that women do not necessarily support a party that is supposedly gender sensitive.

Table 3.3 Gender profile of supporters of the ANC, DA and EFF

Party	Male %	Female %
ANC	45	55
DA	47	53
EFF	60	40

Source: Ipsos

PROMOTING EQUALITY

Social impediments or constraints often contribute to under-representation of women in political decision-making structures, particularly at the level of putting themselves forward as possible candidates for nomination. These constraints include family and household responsibilities and other important challenges, e.g.: women lack confidence; women lack political experience, which restricts them in terms of political campaigning (particularly at ward level in local government elections); and a lack of financial resources to run effective ward campaigns. There is, therefore, a need to support women to acquire skills in fundraising, public speaking and campaigning.

Political parties in South Africa (and their various women's movements) have so far failed to encourage and facilitate women's entrance into political competition and representation by, for instance, offering special training, financial assistance and other forms of capacity building.⁴⁴ The CGE has accused political parties of 'not taking steps to enable women's full political participation, within the context of a deeply patriarchal society', which, it argues, 'results in fewer women standing for nomination and fewer women being nominated by parties to contest wards'.⁴⁵ Furthermore, parties must identify and address obstacles to women's political representation, and implement programmes to encourage women to participate in political

processes; they should also support them with capacity building and access to finances; and they should address prevailing discriminatory attitudes in their parties and in communities.⁴⁶

After the 2014 national elections, the CGE called on political parties to provide incentives and support for female candidates to stand for election to senior party positions.⁴⁷

EQUALITY GUARANTEES

Quotas are one of the most effective means of placing women in public office and changing the political ratios of men and women. By setting quotas, political institutions are made responsible for guaranteeing the representation of women, which could be normalised over a period of time. Internal party quotas are voluntary and their introduction depends heavily on mobilising female party members and the political will of party leaders. As mentioned above, the ANC is the only party that has introduced a quota for women candidates – initially guaranteeing 33 per cent women after strong pressure from the ANCWL, which eventually achieved its goal of 50 per cent representation (zebra-style) for all elections at the Polokwane conference in 2007.

Over the years, the ANC has come close to implementing its 50 per cent quota on the proportional lists, though it has not always followed the zebra-style. Though the party had parity between men and women on its national and provincial lists in the 2014 elections, the first two candidates on the national list were both males, meaning that the president and deputy president are both males. Furthermore, women were under-represented in the top 20 names on the party's national list and were heavily concentrated in the middle and bottom sections. Nevertheless, the ANC proportion of female representatives in Parliament is 48.6 per cent. As mentioned, however, on the ANC's proportional list for the local government elections, women filled only 39 per cent of the top spots, despite the fact that women had over 60 per cent representation on the list. Notwithstanding its commitment to 50 per cent representation of women, female representation at local government level after the 2016 elections also fell short of the target – at 45 per cent (61 per cent on the PR list and a mere 32 per cent at ward level).⁴⁸

The EFF, which participated in elections for the first time in 2014, is the only other party that has committed itself to 50 per cent representation of women. A zebra-style representation system was not followed, since its

female representation in Parliament is only 35 per cent (nine women out of 25 members). This lack of adherence is also reflected in the party's proportional list for the 2016 local government elections. As mentioned above, despite its party list comprising more than 60 per cent women, a mere 26 per cent fill the top spots. However, in the 2016 local government elections, the party achieved the highest representation of women of all parties, with 49 per cent. This was largely due to its strong performance in the PR seats (50 per cent) despite a poor performance in the ward seats (18 per cent).⁴⁹

Parties are also reluctant to enforce a gender equality policy in their leadership structures. Of the ANC's top leaders, only two are women, while women make up slightly less than 50 per cent of its National Executive Council (NEC). Similarly, the EFF's central command team of six members consists of four men and two women, although 16 of its 34 additional commissars are women.

Despite the ANC's commitment to a 50 per cent quota for women's representation, the proportion of women in cabinet has remained at 41 per cent since 2004 (15 out of 37 in 2014; 14 out of 34 in 2009), while 16 out of 36 (44 per cent) are deputy ministers (compared to 11 out of 27 (40.7 per cent) in 2009 and 47.6 per cent in 2004). However, Cabinet is where women's representation should be equal – not only do women constitute more than half the population, but Cabinet is important in developing and implementing state policy. As political heads of state departments, Cabinet members are responsible for deciding how to allocate money between various state departments. It has to spearhead development and ensure the development of services and, among other things, promote the interests of all groups in society. Furthermore, the President (who is also the president of the ANC, which has committed itself to 50 per cent representation of women in political decision-making structures) appoints Cabinet members. By appointing an equal number of women, the president would demonstrate his party's commitment to the ideal of equal participation of women in political decision-making structures.

Since 2009, South Africa has had four female premiers in the eight provinces controlled by the ANC. However, this changed after the 2014 elections: the ANC retained only one female premier. As a result of concerns raised in the NEC about 'male dominance', the ANC decided, as a concession, to appoint female speakers to all legislatures where male premiers are appointed. The CGE regarded this as 'a clear step backwards in the fight for gender equality in this year's elections'. For the CGE, the 'post of legislature speaker does not bear the same constitutional, legislative, and political authority as that of provincial premier'.⁵⁰ The failure of the ANC to fulfil its

commitment to 50/50 representation of women in Cabinet and in terms of the appointment of provincial premiers reflects, as Gouws⁵¹ argues, a shift in the ANC's commitment to gender parity in favour of 'rewarding loyal cadres' of the Zuma faction. Of equal concern is the fact that the once-progressive ANCWL has become the 'praise singer of the men in the ANC'.⁵² For instance, in 2013, its president, Angie Motshekga, announced that it does not believe that South Africa is ready for a female president and that it was committed to the traditions and processes that 'have a long long life'.⁵³ It also did not challenge the under-representation of women in the top 20 names on the ANC national list, nor the fact that only two women were nominated as mayors for the eight metros in the 2016 local government elections.⁵⁴ In essence, as Hassim⁵⁵ argues, the ANCWL does not question the persistence of sexist attitudes and the deeper system of patriarchy or what they have done to 'change those attitudes and defend the constitutional value of equality in the public sphere'. However, the ANCWL current president, Bathabile Dlamini, has recently vowed to support a woman as the next president at the party's national conference in 2017.⁵⁶ Her support for a future female president can hardly be interpreted as a progressive statement to women's rights. Instead, this statement was overshadowed by another example of the ANCWL being a 'praise singer' of the men in the ANC, given the most recent incident at the local government election results ceremony, where four young women dressed in black held placards in front of the podium as President Zuma made his speech. The posters read: 'I am 1 in 3' (referring to the fact that one in three women are sexually abused in their lifetime); '#'; '10 years later'; 'Remember Khwezi' (referring to the woman Zuma was accused of raping 10 years ago); 'Khanga' (the cotton decorated fabric draped around women and also worn by Khwezi). When Zuma concluded his speech, the women were violently removed and taken to a separate VIP access area where journalists heard them screaming and crying. Later, Dlamini made a statement as President of the ANCWL on what had transpired saying that Zuma had been found innocent of all charges, and demanded that the chairperson of the IEC apologise to the President. She also refused to comment on the way the four women were treated by Zuma's bodyguards.⁵⁷

Unlike the ANC, which has committed itself to a quota system, the DA has rejected the introduction of quotas and has publicly stated that its selection of candidates is based on merit.⁵⁸ Ideological reasons largely explain the party's stance towards quotas. In contrast with the ANC, whose values are those of social equality, the DA emphasises the rights and freedoms of the individual, i.e. 'A society for all is one where every individual enjoys

equal rights and access to opportunities regardless of race, ethnicity or gender'.⁵⁹ These values are steeped in the liberal tradition, where, in both the classical and social strands, individualism is emphasised. Therefore, quotas are opposed because it is argued, they undermine individualism by demeaning women, denying merit and treating men unfairly. As with some liberal democratic parties elsewhere in the world,⁶⁰ the DA's women's political representation in Parliament following the 2014 elections is only 30.3 per cent. Women make up 35 per cent of the DA-controlled Western Cape legislature, and three of the 11 provincial cabinet ministers are women (excluding Zille, the Premier of the province). Although a woman was re-elected Mayor of the Cape Town metro after the 2016 local government elections, less than a third of the party's mayoral candidates for the local government elections in the Western Cape were women (seven out of 24). The leader of the party in the province admitted that, in future, there should be a specific programme to ensure that the party increases the number of women.⁶¹ As explained elsewhere, the practice is that individuals must apply to become a candidate. Men dominate the DA's national leadership, similar to that of most opposition parties in Parliament: only two women form part of the national leadership structure of eight people.⁶² Despite the fact that the DA showed an increase from 30 per cent female representation in 2011 at local government to 35 per cent after the 2016 local government elections,⁶³ this is still far from gender parity.

Table 3.4 Women's representation in Parliament

Party	2009			2014		
	Total no. of MPs	No. of Women	Percentage Women	Total no. of MPS	No. of Women	Percentage Women
ANC	264	130	49.2	249	121	48.6
DA	67	20	29.9	89	27	30.3
EFF	–	–	–	25	9	35
IFP	18	4	22.2	10	3	33.3
NFP				6	3	50
UDM	4	0	0	4	1	25
VF+	4	0	0	4		
COPE	30	15	50	3	1	33
ACDP	3	1	33.3	3	1	33.3

	2009			2014		
Party	Total no. of MPs	No. of Women	Percentage Women	Total no. of MPS	No. of Women	Percentage Women
AIC				3		
AGANG				2		
UCDP	2	1	50	–	–	–
PAC	1	0	0	1		
APC				1		
ID	4	1	25	–	–	–
TOTAL	400*	172	43	400	166	

* (Total includes a range of small parties not included in the list; the total thus does not necessarily correspond to the tally of the numbers in the column.)

Source: Lowe, Morna et al.⁶⁴ and own calculations from parliamentary party lists

As Table 3.4 above shows, the absence of a quota for women's representation in the small opposition parties has also resulted in fewer female representatives in Parliament; the exception is the National Freedom Party (NFP), half of whose representatives are women.⁶⁵ Women make up a third of the representation in Parliament of most of the other small parties (see Table 3.4 above).

As the ANC case illustrates, introducing quotas means feminists or women's movements (whether autonomous or within parties) must demand that they are instituted. The absence of women's movements that advocate for women's equal representation, alongside ideology in some instances, explains why opposition parties have not implemented a quota system. The Democratic Alliance Women's Network (DAWN) was re-launched in 2013, but despite its aim to, among other things, 'promote women's participation in every sector of public life', has done little in this regard. Since its re-launch in 2013, it has, for example: launched a Whistle Against Abuse campaign for women and children, as part of the 16 days of activism campaign in 2014; launched a rape victim's rights DVD (also as part of the 16 days of activism); and called for new credit laws to crack down on child maintenance defaulters.⁶⁶ Like DAWN, the UDM's Women's Organisation (UDEMWO), the African Christian Democratic Party's (ACDP) Women of Destiny, IFP's Women's Brigade and COPE's Women's Movement, have not focused on any issues relating to women's political representation, while the EFF has yet to launch its EFF Women's Command. What is required from the women's movements within political parties is for them to take agency

and recruit women; assist in training and empowering women for political office; and move beyond being the 'add on' face of political parties.

Finally, there is little doubt that the ANC is the most gender-progressive political party, not only in terms of its commitment to 50 per cent women's representation on its national, provincial and local candidate lists, but also in terms of the progress it has made with women's representation in its party structures. However, the lack of commitment by opposition parties to guarantee and implement equal representation of women, the failure of the ANC to not always implement its 50 per cent quota, as well as the loss of support by the party in recent national and local government elections, resulted in South Africa failing to meet its goal of 50 per cent representation of women in all areas of decision-making in 2015, which is enshrined in the Southern African Development Community (SADC) Protocol on Gender and Development and which was adopted in South Africa in 2008.

CONCLUSION

Breaking through the barriers that constrain equal gender representation requires a number of initiatives. Firstly, as this chapter illustrates, the electoral system, and, in particular, the PR (closed list) system facilitates whether or not women are elected to political office. As the mixed local government electoral system in South Africa clearly shows, women are more successful in being nominated and elected under a PR system than in the single-member district majoritarian system. This is because: in a majoritarian system, there is little incentive for a party to select a candidate list that is 'balanced'; there is a real incentive for a party in a proportional system to expand its collective appeal, by including candidates who represent all social groups. However, in the final instance, the inclusion of women in party lists lies with the commitment of parties to promote equal gender policies.

Unfortunately, the deeply embedded culture of masculinity that pervades political parties is still the most difficult obstacle to women's increased political representation in South Africa. Political party rhetoric does not match the positive action of selecting women as party candidates, nor in their election to party leadership structures. Furthermore, parties have not been forthcoming in terms of capacity building interventions to, among other things, build women's skills and confidence, which would encourage them to make themselves available as candidates for political decision-making positions. Equally absent is the required women's agency to demand equal

representation. Women's movements within opposition parties seem to be reluctant to pressure party leadership for measures to ensure equal representation in party and political decision-making structures, while the ANCWL has become, as Gouws⁶⁷ puts it, the 'praise singer of the men in the ANC'.

However, the fact remains that the ANC is without doubt the most gender-progressive party in the country; this can be attributed to the fact that it is the only party that has adopted a 50 per cent quota for women on its party candidate lists (zebra-style). Unfortunately, this commitment has not always been achieved in practice. Unlike the refusal by the DA and other opposition parties to implement a quota for women on their party lists, the EFF has committed itself to gender parity, although this is not reflected in, for example, its female representation in parliament. This can be attributed to the fact that women did not feature in the top positions on its party lists.

The ANC's increasing loss of electoral support has resulted in fewer female representatives in Parliament and in provincial and local government institutions. Added to this, the fact that the party's 50 per cent quota commitment is not always honoured, and the refusal of opposition parties to introduce a quota system (zebra-style), poses a serious problem for the future of women's political representation. Therefore, leaving women's representation to political parties is fraught with challenges, despite some informal commitments they have made. This has resulted in strong calls by feminists, NGOs and the CGE for a legislated quota for women's representation. However, such a legislated quota should allow for punitive measures and sanctions for non-compliance, which can range from withholding public funding from non-complying parties to electoral authorities not accepting a party list if parties do not comply or do not place women in winnable positions on party lists.

ENDNOTES

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- 61 SABC, 2016. New DA system aims to rectify lack of women mayoral candidates. 22 July 2016. Available at <http://www.sabc.co.za/news/a/9f47d5004d9541638fdcf4bb456f37b/New-DA-system-aims-to-rectify-lack-of-woman-mayor-candidate-20162207> [Accessed 25 July 2016].
- 62 IFP's National Executive consists of two women in its 14-member team; the UDM's National Leadership consists of two women among its nine members; Cope's Executive Leadership has two women among its six members; and the FF+ National Executive has one woman among its 19 members, while its Executive Leadership of five are all men.
- 63 Hicks, J. Lowe Morna, C. and Fonnah, M., 2016, p. 5.
- 64 Lowe Morna, C, Rama, K. and Mtonga, L., 2009.
- 65 The NFP did not contest the local government elections after failing to pay the IEC the required deposit by the 2 June 2016 deadline.
- 66 Sapa, 2014. DA calls for new law on child maintenance defaulters, *eNCA*, 25 June 2014. Available at <http://www.enca.com/da-calls-new-law-child-maintenance-defaulters> [Accessed 1 August 2016].
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Political Parties and Political Leadership

Sewing Reconciliation or Division?

Katabaro Miti

Leaders of political parties are, in most cases, the only visible link between the party and the people. As the party's face, they are expected to: attract new members during election campaigns; provide a vision that addresses the needs and wants of current and prospective party members, and, ultimately, promote this vision within the party; and, execute this vision within the government, if elected. Given these goals, party leaders tend to shore up political support by trading a range of favours in an elaborate system of 'transactions' – after all, politics does not run on altruism. Whatever shape these transactions take, the loyalty it buys is often fleeting and must be renewed time and again. This can be a costly affair, but, if managed correctly, it can also be used to achieve something truly transformative.

A leader's success depends on the individual's disposition and their reaction to the political, social and economic environment. It also depends on the electoral system that governs a party's internal dynamics. A truly competitive party structure, for instance, should convert followers into leaders – especially when competing positions over party policy proposals surface. These new and often younger leaders invariably campaign to attract new recruits from outside the party to support their positions. Unfortunately, in South Africa's political parties, such debates have been quelled by either political inducements or exile.

South Africa has seen leaders who have adopted an essentially transactional approach to their tenure and others who have been forced to pursue a politically expedient transformative agenda, especially within their own parties. This chapter looks at each proclivity by assessing the various visions and strategies leaders, particularly in the African National Congress (ANC) and the Democratic Alliance (DA), have pursued since the end of the apartheid era. It shows how the DA's 2016 electoral success was built on the party diversifying its membership and how this agenda was executed by a

series of politically astute leaders, from Tony Leon to Hellen Zille and now Mmusi Maimane. It also discusses how transactional tactics, also called cadre deployment, fuelled the factionalism that accompanied Jacob Zuma's rise to the ANC presidency in 2007 and is threatening the ANC's political supremacy. In the end, after 23 years of democracy, we find that race is still at the core of South African politics and that the main political parties have used prejudice for their own gain, instead of reinforcing Mandela's reconciliatory mission.

THE BROAD CONTEXT

Despite South Africa's lauded political transition, in many ways the political constructs of the apartheid era continue to dominate the country's political landscape. Perhaps most notable is the white/black divide that still dominates political parties, their discourse, and their leadership struggles, and it is something that academics studying post-apartheid political parties in South Africa have continued to highlight.¹

The leaders of the Democratic Party (DP) (in particular, Tony Leon, who became its leader after the 1994 elections) sought to rebuild the party by capturing the white and coloured supporters of the National Party (NP). The DP's strategic objective post-1994 was, therefore, to destroy the NP as an institution. Leon writes in his biography:

Indeed, we were to take apart the once-mighty NP edifice, brick by brick, in by-election after by-election, until they surrendered their name, cause and leadership to our not-so-tender mercies in the winter of 2000.²

However, drawing support from a predominantly white racial base was a liability for the DP, as it allowed critics and other opposition parties to effectively brand the DP as a party stuck in the apartheid past and relying on racism to sway support. Nobody understood this better than Leon, who proceeded to work to: get William Mnisi from Soweto elected as the party's deputy in 1994; bring in Dr Bukelwa Mbulawa as a Member of Parliament (MP) in 1997; and make Joe Seremane party chairman of the newly formed DA in 2000. The search to incorporate non-whites into the DA and its leadership has remained the party's major focus, leading to the amalgamation of Patricia de Lille's Independent Democrats (ID) (formed during the 2003 floor crossing incident in Parliament) with the DA, and resulting in De Lille

becoming mayor of Cape Town. It also explains the appointment of Lindiwe Mazibuko as DA parliamentary leader and the fast rise of Mmusi Maimane to the party's leadership immediately after the 2014 elections, in which he stood as the DA premier candidate for Gauteng.³

The ANC, for its part, came to represent the black majority. The party's position was buttressed by the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), which was banned along with the ANC and became an integral part of the ANC movement in exile.

While the DA has actively recruited new members since 1994, the ANC has shed some key figures, thanks to expulsions and growing factionalism inside the party, which is effectively threatening its dominance over the black majority. First, Bantu Holomisa's United Democratic Movement (UDM) was formed, after he was expelled from the ANC in 1997. Holomisa fell out with the party leadership after disclosing that Sol Kerzner had paid a bribe to George Matanzima, the then prime minister of Transkei, and to his daughter, Stella Sigcau, for exclusive gaming rights in the Bantustan. In addition, Kerzner, Holomisa claimed, had also donated money to the ANC for the 1994 elections, in a bid to avoid prosecution for bribery. The ANC, which had 'rehabilitated' Matanzima and appointed Sigcau to a ministerial post, viewed Holomisa's disclosure as a show of disloyalty to the organisation and expelled him. Holomisa's new party had a good initial showing in the 1999 elections, obtaining 3.42 per cent of the national vote and gaining 14 seats in Parliament. However, the number of parliamentary seats dropped to 9 in 2004 and to 4 seats in 2014.

Second, Jacob Zuma's rise to the ANC presidency in 2007, despite accusations of corruption and being dismissed as deputy-president by Thabo Mbeki, threatened to split the ANC into rival factions. The rising Zuma faction eventually removed Mbeki⁴ from the presidency in 2008 and replaced him with a caretaker, Kgalema Motlanthe, months before the 2009 national and provincial elections. While Mbeki chose to respect the party's wishes and vacate the presidency, a group of ANC members, including cabinet ministers, resigned from the party and formed the Congress of the People (COPE), with Mosiuoa Lekota (the former ANC Chairperson and Minister of Defence) and Mbhazima Shilowa (the former Premier of the Gauteng province) as joint leaders. Like the UDM before it, COPE gained good support in its first electoral outing in 2009. It obtained 7.4 per cent of the national vote and 30 parliamentary seats. However, in the 2014 elections, this dropped to 0.7 per cent and 3 seats in Parliament, thanks largely to the leadership

squabble between Lekota and Shilowa and many of its members deciding to return to the ANC.

Thirdly, in July 2013, Julius Malema, the former ANCYL President, who had vigorously campaigned for Jacob Zuma, formed the Economic Freedom Fighters (EFF) party, after the ANC expelled him for fomenting division. The EFF adopted a pro-poor stance and latched onto the Freedom Charter's call to nationalise mines, companies and unused land. The party then rallied behind striking miners in Marikana,⁵ condemning the fatal police action that left 34 miners dead.

By championing the miners' cause and endowing it with revolutionary rhetoric, the EFF was able to attract support from previously loyal ANC supporters and won 6.4 per cent of the national vote in the 2014 election cycle and 25 seats in Parliament. However, whether or not the EFF's fate will be similar to that of the UDM and COPE, is unknown.

The only black party outside the ANC that survived the 1994 elections was the Inkatha Freedom Party (IFP), led by Chief Buthelezi. As an essentially Zulu party, the IFP successfully played on their support base's fear of being dominated by the ANC Xhosas and minorities. It did this initially by insisting on a federal system of government at the CODESA negotiations. When this failed, it called for special recognition for the Zulu monarch, which it secured. It is this that allowed it to capture the province in 1994 and, because of the large Zulu population, the IFP obtained 10.5 per cent of the national vote, which translated into 43 MPs. By the time of the 2014 elections, its national support had dropped to 2.4 per cent and 10 MPs in the National Parliament. With the promotion of a Zulu, Jacob Zuma, to the deputy presidency in 1999 and his subsequent elevation to the presidency in 2009, the IFP's ethnic advantage has evaporated as its members shifted to the ruling party's patronage. It is no surprise, therefore, that the province has overtaken the Eastern Cape as the largest ANC region (in terms of numbers), making it a crucial voting block for anybody hoping to lead the ANC.

GEOGRAPHIC CONTEXT AND ITS EFFECT ON ELECTIONS

The new democratic dispensation used apartheid's separate ethnic (nations) legacy to determine the country's provincial boundaries⁶ and this helped political parties retain their traditional internal federal elective framework.⁷ As a result, the provinces continue to represent the party regions that vote for each organisation's national leadership. In ANC intra-party elections,

for example, the regions vote as a block, making leadership survival at the national level dependent on support garnered from the regions. The resulting factional fight for control of each region at the national level reached its peak in 2007/8 and has since filtered to the regions, the branches and down to local government council elections, where some members have even resorted to killing each other.⁸ Also, as several authors in this book infer, the electoral losses the ANC suffered in the 2016 local government elections can, in part, be attributed to factional fighting at regional and branch level. In the Eastern Cape for instance, where the ANC lost the Nelson Mandela Metro in 2016, the national leadership dismissed the regional executive because of continuous in-fighting. In Tshwane fighting between different factions divided the local branch elections for a mayoral candidate, forcing the provincial and national leadership to impose a candidate from the National Assembly (NA). The aggrieved factions responded by looting, torching buses and property, and failing to turn out on election day – effectively handing control of the city to, of all parties, the DA.

How the DA, widely labelled as a white party and tainted by its apartheid history, assumed this mantle shows both the limits of the ANC's transactional strategy and the merits of the DP/DA's politically expedient diversification agenda that encouraged a previously unthinkable change of guard.

TONY LEON: REINVENTING THE DP, CREATING THE DA AND CAPTURING WHITE SUPPORT

After the 1994 elections, the DP, which was the main white opposition party to apartheid and largely dominated by white English speakers, was almost wiped out. It managed a paltry 7 seats in Parliament, compared to the 82 seats that De Klerk's white Afrikaner-supported NP won. Ten years later, in the 2004 election cycle, white support had completely reversed with the New National Party earning just 7 seats, compared to the DP/DA's 50 seats.⁹ Tony Leon's ability to take advantage of a changing social and political dynamic was a distinct part of the party's change in fortunes. In his transformation of the DP to the DA, Leon exhibited what Ammenter et al¹⁰ referred to as social effectiveness – the ability to be politically savvy and read, understand and control social interactions and situations in a sincere, engaging manner that disguises any ulterior motive and inspires believability, trust and confidence.

Tony Leon, who became leader of the DP immediately after the 1994 elections, successfully played on white fears, following what was seen as NP capitulation at the CODESA negotiations. De Klerk's gamble for power sharing between blacks and whites (the centre-piece of his negotiations) did not bear any visible results, apart from the formation of a government of national unity, in which the former president played second fiddle to Mandela, whom he had released from prison a few years earlier, and Mbeki, who was first deputy president.

When the new constitution (enacted in 1996) cast aside any power sharing dreams and completely entrenched black control of the government as the majority group, De Klerk resigned from the government and soon after relinquished leadership of the NP. De Klerk's mainly Afrikaner followers felt lost and abandoned and, sensing this, an astute Leon seized the opportunity to sway their support by promising to contain the ANC. For him, the overriding duty to South Africa was to prevent ANC dominance, which he translated as preventing the ANC from winning a two-thirds majority in the NA – such a majority would allow the party to re-write the constitution and potentially take away all current white privileges. Despite Mandela's reconciliation promises, Leon painted the black icon as being too old and out of touch with South Africa's political realities to be able to thwart an ANC bent on avenging the wrongs and sufferings of apartheid. Besides, South Africa had to be saved from communism and authoritarianism by strongly upholding the values of liberal democracy. For this reason, Leon insisted that the responsibility and moral duty of every democrat in South Africa lay in building an opposition that could bring ANC support to below 50 per cent of the vote.¹¹

In his biography, Leon laments how ANC leaders consistently blamed the opposition's dissent on racism. However, he fails to recognise how the DP/DA used the same race card to play on the fears of white and coloured voters, who have helped the party to electoral success in the Western Cape and key municipalities across the country. Yes, Leon was able to grow the DP base membership using these tactics, and on that level one could consider him to be an effective leader. However, these tactics hardly transformed political behaviour in South Africa; instead, it merely entrenched old and familiar hostilities. This transactional strategy (exploiting familiar prejudices to garner party support) completely ignored the fact that racial transformation is and remains a key aspect of South Africa's future economic, political and social development.

His philosophical predispositions aside, one must acknowledge Leon's prowess as a political strategist, organiser and mobiliser. When he assumed

office, Leon had to create a central party machinery almost from scratch to help manage the organisation's anticipated growth. On the one hand, this involved constituting a core group of loyal members around the party leader to plot party strategy. The group amounted to an appointed party central committee of friends and like-minded individuals that included Hennie Bester, Ian Davidson, Peter Leon (the elder brother), Colin Eglin, Douglas Gibson, Eddie Trent, Mike Ellis and James Selfe – Hellen Zille was later added to this core group. A professional team to handle communication, organisation and policy production supplemented their work led by Greg Krumbock, as party chief executive and, as his deputy and chief strategist, Ryan Coetzee.¹² With this core group's advice, Leon was able to recruit disgruntled NP members to the party, prompting a flood of parliamentary members to cross the floor in 2003.

By the time Leon left office in 2007, the party had expanded its presence and was almost in full control of Cape Town and showing considerable gains in Gauteng. Apparently recognising his limits, Leon left office of his own accord – not because he was forced out – and handed the reigns over to party stalwart Hellen Zille. Zille had successfully consolidated the party's position in Cape Town and grown the number of black supporters with her continuous visits to the townships and rural areas. Under Zille, the DA's agenda could, to a degree, be viewed as transformative. Her watch saw the party gain some racial and generational diversity within its support base and amongst its senior leadership, with Lindiwe Mazibuko and Mmusi Maimane ascending through the ranks. However, while Zille consolidated the membership gains Leon started, she was perhaps not the appropriate figure to pursue a truly transformational agenda. Instead, this seems to be a task bestowed on Mmusi Maimane, whose demographic profile is more likely to attract and mobilise a diverse range of 'born free generation'¹³ voters – a fact that Cilliers¹⁴ has picked up on in his future-casting work. According to Cilliers' election scenarios, the DA's electoral ascendancy will continue and peak in 2029, when the party could equal ANC parliamentary numbers in the NA and gain control of Gauteng, Free State, Western Cape and Northern Cape. Even in the worst case scenario, Cilliers sees the DA capturing Gauteng and retaining Cape Town. Indeed, the 2016 local government election results prove the DA's rising appeal – the party increased its support at the local government level from 23.94 per cent in 2011 to 26.9 in 2016. Also, as Cilliers' predicted, its main base has remained Cape Town, where its support rose from 57.7 per cent in 2011 to 63.33 per cent in 2016. It also kept its support in Gauteng at around the 33 per cent level. The key results of this strong electoral showing are: with the EFF's help, the party

has taken Pretoria (the national capital) away from the ANC; and it received almost the same percentage of the vote in Johannesburg as did the ANC.¹⁵

MANAGING THE ANC'S OMNIBUS: THABO MBEKI AND JACOB ZUMA

It might sound preposterous to talk of the ANC's political leadership without focusing on Nelson Mandela, the liberation icon and symbol of the struggle against apartheid. However, without dismissing the central role that Mandela played in bringing about the end of apartheid, one needs to understand how the ANC has utilised the Mandela image in pre- and post-apartheid South Africa. Before 1990, the ANC positioned itself as the principle champion against apartheid and branded Mandela as the movement's poster boy, tying his freedom to the end of oppression. Mandela's rise, after his release and elevation to the presidency of the ANC, was made easier by a stroke and the early death of Oliver Tambo, who had presided over the ANC in exile and who provided credibility and trust in the party's ability to govern. It was the reputation that Tambo worked so hard to forge that attracted voters to the ANC in the 1994 elections.¹⁶

With no group ready to challenge him, Mandela used his status as a globally celebrated jail icon to unite the ANC and pursue a seemingly pragmatic agenda. For example, in early 1994, all mention of nationalisation was removed from the final draft of the Reconstruction and Development Programme (RDP), despite the issue being the cornerstone of the 1955 Freedom Charter. The move would have caused deep divisions and strife, but instead went virtually uncontested. A second example was seen in 1996, when the RDP gave way to the Growth, Economic and Redistribution (GEAR) programme, despite strong protests from the ANC's alliance partners, COSATU and the SACP. The ANC also used the benevolent figure of Mandela to force recalcitrant ANC members to adopt his national reconciliation policy and to silence those who were singing, 'One Boer, one bullet'. Therefore, Mandela's importance, like that of Leon and Zille, should be seen from the broader perspective of the party's interests. In Mandela's case, his reconciliation agenda added a clear transformative dimension to an essentially transactional leadership strategy, at a time when South Africa needed racial harmony to grow its political and economic interests. The ANC continues to use his legacy to bolster their political capital internationally and among their base voters. This is an essential point and it is picked up on by other authors in this book.¹⁷

It is equally important to look at the ANC omnibus in more depth, before discussing the role that Thabo Mbeki and Jacob Zuma have played. The ANC, together with the SACP, were banned in 1961, and their leaders incarcerated on Robben Island following the 1964 Rivonia Trials. The two organisations fused while in exile, with the ANC becoming externally recognised as the authentic representative of the people of South Africa, and accorded observer status at the United Nations (UN) and the Organisation of African Unity (OAU). This enabled the ANC to build an internationally supported organisation that sporadically carried out sabotage activities against the well-entrenched apartheid regime. Within South Africa, however, the struggle against apartheid continued, resulting in the legalisation of black trade unions, which paved the way for COSATU's formation, and the rise of the United Democratic Front (UDF) as an umbrella organisation of all those who were against apartheid.

When the ANC and SACP were unbanned in 1990, the ANC had to unite two main groups – the exiles (those who fought against apartheid from outside the country) and the *inziles* (those who confronted the apartheid regime internally on a daily basis).¹⁸ In between the two groups were those who were incarcerated on Robben Island and who joined the exiles after being released.¹⁹

When the ANC and SACP were unbanned, these groups formed the ANC's broad membership base. The exiles were perceived as the most important for potential and actual leaders of the party, because it had a highly centralised, hierarchical and bureaucratic structure that provided the party's organisational framework. At the core of this framework was: the central party leadership (president, secretary general, treasurer general and their deputies); the National Executive Council (NEC); the National Working Committee (NWC); and the party elective conference. Branch and regional structures were added to complete the party's organogram.

Furthermore, the exiles controlled the financial, intelligence and military networks that were crucial in the prolonged negotiations with the apartheid regime. The *inziles* (insiders) – COSATU and UDF – controlled the internal mobilisation networks that were crucial to ensuring mass support for the ANC. The UDF was, therefore, incorporated into the ANC at the 1991 Durban Conference and COSATU became the party's official partner. Through this alliance, the UDF and COSATU leadership helped the ANC mobilise support within the country. Cyril Ramaphosa, who later became the secretary general of the ANC, was perhaps the best known of these leaders, and helped spearhead the party's effort to win the 1994 elections and assume control of the government.

The victorious ANC was depicted as representing not only the black majority, but also the nation as a whole. This gave it the legitimacy to rule and the right to reorder the politics, economy and society away from the apartheid system to a democratic system and the better future premised in the 1955 Freedom Charter and the 1994 RDP. In essence, the ANC became the saviour of the people and the custodian of national development; and it is this context that gave rise to the political leaders discussed below.

THE STRATEGIST – THABO MBEKI 1994-2008

Thabo Mbeki's main task as Mandela's deputy president was to transform the apartheid state machinery, or as Brooks²⁰ puts it, 'the construction and functioning of a transformed state'. In this new set-up, Cyril Ramaphosa, the man Mbeki beat to the deputy presidency, was charged with negotiating the new constitution and organising the party. In 1997, after Ramaphosa relinquished the secretary general post to pursue personal business interests, Mbeki assumed direct control of the party, when he was elevated to ANC president at the Mafikeng Conference. Mbeki was then faced with the twin task of creating a powerful state to undo the legacy of apartheid and modernising the ANC as an organisation, while balancing party/government relations. His government's task focused on policy implementation and service delivery and, given his new position in the party, he could adjust existing policies to changed circumstances without obtaining party approval. He used this power to amend Mandela's RDP policies and then pass GEAR and its policy proposals. To ensure its success, Mbeki's administration centrally coordinated its activities, by reinforcing its organisational capacity within the party and the government – a technocratic effort which, according to Teles,²¹ is the hallmark of political leadership in democratic societies, and an approach that was also later used against Mbeki.

Brooks,²² quoting Mbeki's biographer Gumede,²³ argues that Mbeki was a tactician and strategist and mobilised support using purely transactional methods to achieve his objectives. These methods included:

- Granting favours to those who were strategically useful and calling in outstanding debts from those who could mobilise mass support – at one point Jacob Zuma was in this category;
- Anticipating rivals' moves and planning a few steps ahead – something Mbeki failed to do during the Zuma saga and which contributed to his downfall;

- Exploiting personal and political rifts; and
- Playing the 'Africanist card' to unite adversaries.

During the first term of his presidency, Mbeki used these ploys to maximum effect, boosting the country's economic growth and the ANC's 2004 electoral victory to the magical two thirds majority mark. However, no political leader can succeed without growing his own group of supporters, and while Mbeki was good at policy casting and strategic manipulation at the governmental level, his skills at the party level were not as persuasive.

In 2005, Mbeki's decision to fire his deputy president, Jacob Zuma, on suspicion of fraud and corruption, and before definitive charges were filed against him, backfired. Zuma and his supporters spun the incident into a political conspiracy aimed at undermining Zuma's ambition of becoming president of South Africa. A cache of fabricated emails – called the 'Browse mole leaks' – released by members of the national security establishment in 2007, seemingly supported these claims.²⁴ These incidents unleashed a chain of events that eventually catapulted Jacob Zuma to the presidency of the ANC and later the country.

First, the ANC's National Governing Council (the ANC's supreme decision making body in between the national conferences) of the NEC and NWC reversed the decision for Zuma to withdraw from the party activities pending the outcome of the hearing on corruption charges. Reversing this decision gave Zuma the chance to mobilise support, not only against possible prosecution, but also against Mbeki, who had fired him. Support for Zuma came from: COSATU and SACP, whose leaders were against GEAR and its neo-liberal policies; the ANC Youth League, under Julius Malema; and from those who had tangled with Mbeki and then turned to business, e.g. Tokyo Sexwale (first provincial Premier of Gauteng), Mathews Phosa (first Premier of Mpumalanga) and Cyril Ramaphosa (former ANC Secretary General). These three had also been accused by then police minister Steve Tshwete, of attempting to overthrow the Mbeki government.

Second, Mbeki decided to stand for president of the ANC, while announcing that he would not seek a third term as president of the country. Mbeki's cunning decision went against ANC tradition, was seen as divisive, and was interpreted as an attempt to shift power from the government to the party. In the end, Zuma and his supporters defeated Mbeki's bid and set the stage for a face-off between Mbeki, the president of the country, and Zuma, the president of the ANC. In 2008, to demonstrate the party's supremacy, Mbeki was recalled just six months before the end of his term, and replaced by Kgalema Motlanthe as caretaker president. After the 2009 elections,

Motlanthe was retained as deputy president and, since Zuma had indicated from the outset that he would be a one-term president, like Mandela, he expected to take over as president of the party in 2012 and as president of the country in 2014. He apparently under-estimated Zuma's presidential ambitions. When Motlanthe stood against Zuma for the presidential post in 2012, he was defeated and, like Mbeki, was forced to retire.

The Mbeki-Zuma saga highlighted one particularly controversial policy – ANC cadre deployment – that underpins both men's essentially transaction-based leadership style. Cadre deployment to various positions in government and business is based on a person's loyalty to the party (and, more importantly, the current party leader) and is the basis of patronage, cronyism and clientelism in the government and the party. These cadres or, as Teles²⁵ suggests, shareholders, appoint the leader, follow him or her, assess his or her decisions, feel the consequences of his or her actions and then decide on his or her stay in office.

THE POPULIST OR SURVIVALIST – JACOB ZUMA 2005 TO DATE

Many were surprised when Jacob Zuma rose to the presidency of the ANC and the government. His rise happened despite the 2005 Shabir Shaik affair, which triggered his dismissal as deputy president of the country, rape charges²⁶ that were brought against him in 2006, and continuing corruption charges related to an arms deal negotiated in the late 1990s – the latter were withdrawn just before the 2009 national elections.²⁷ Only recently, after legal battles between the DA's lawyers and Zuma's defence team, did the National Prosecuting Authority (NPA) outline why it decided to drop the charges. Apparently, the NPA's argument did not convince the judges of the Gauteng High Court who, in a subsequent ruling, opened the door for future prosecution. Zuma also survived Motlanthe's 2012 ANC presidential leadership challenge, despite the Nkandla affair, with over R250 million used to refurbish his private homestead.²⁸ In 2016, the Constitutional Court castigated him for the way in which he handled the Nkandla report by the then Public Protector, Thuli Madonsela. Madonsela's report accused Zuma of personally benefitting from the renovations and asked him to repay part of the money to the state. Prior to this ruling, Zuma used his loyal police minister and the ANC dominated Parliament to exonerate himself and to shelve the report. It was the court challenge by his erstwhile supporter Julius Malema, now leader of the opposition party, the EFF, which produced the indictment that he had gone against the Constitution. The indictment

alone is sufficient grounds for his dismissal from power, yet he continues to hang on to the presidency. His tenure has also survived the so-called Gupta Affair, which suggests that the president authorised a private jet, bearing the Gupta family's wedding guests, to land at a military base in Pretoria. As though this was not enough, allegations emerged that the Indian family had 'captured' the state by using their business association with a number of Zuma family members, apparently to leverage ministerial and other government appointments. This influence is widely suspected to be behind Zuma's decision to fire Finance Minister Nhlanhla Nene and replace him with a completely unknown and unqualified cadre. The outcry limited the new appointee's stay in office to a mere three days, before Pravin Gordhan, whom Nene had succeeded, replaced him. The NWC asked the party's secretary general to investigate the state capture allegations, but it yielded nothing substantive, since no one would substantiate the allegations, despite earlier statements published in the media. Unhappy with the lack of internal party oversight, the banks responded by freezing all credit to the Gupta family's businesses.²⁹

During his term as party and state president, Zuma has survived impeachment debates in Parliament over his fitness to hold office and even an ANC NEC debate into the merits of his continued presidency, given the personal scandals and the ANC's poor electoral showing in 2016. His steadfast survival can be attributed, in part, to how his ANC supporters initially marketed him. On the one hand, he was depicted as a victim of political conspiracies that level unfounded charges. On the other hand, he has been portrayed as a simple, humble poor man who is in touch with the people and who understands their plight. Zuma's dancing and singing exploits in Zulu attire at public rallies help convey this populist affinity.³⁰ Add to this his credentials in the struggle against apartheid (including incarceration on Robben Island (with Mandela) and his leadership in exile as intelligence chief of the liberation struggle, which glosses over the intelligence excesses and lapses. This list should also include the fact that Zuma's rise has provided his supporters with state jobs, perks and tenders, which might evaporate if he falls, and the fact that his enclave does not want to share the fate of Mbeki's supporters after his removal in 2008.

While there are many in the ANC and its alliance partners who have benefitted from Zuma's position, there are also those who have not. COSATU, in particular, has seen the once influential National Union of Metalworkers (NUMSA) exit its fold, following a successful challenge in the mining sector by the Association of Mine Workers and Construction Union (AMCU). The vocal secretary general of COSATU, Zwelinzima Vavi, who was the main

Zuma supporter against Mbeki, has since been hounded out of COSATU on charges of sexual misconduct and maladministration, and has turned into Zuma's biggest critic and moved out of the ANC, along with his supporters. A growing number of violent protests, generally referred to as service delivery protests, has further marked Zuma's presidency.³¹ The populist rhetoric that accompanied his rise to power created wide expectations that pinned mass support for the ANC to rapid service delivery. Peret³² notes that, since 2009, there have been some 200 protests annually and that this number peaked at 470 in 2012. The protests have been accompanied by incessant internal ANC political strife at the local level, as different factions fight for leadership positions. More worrying has been the killing of ANC nominated counsellors in the run up to the 2016 local government elections, which reflects the intense internal struggles for power and perks at this level.

There has also been a lot of unhappiness among the ANC leaders and members with the 2016 local government election results. With the ANC losing control of Gauteng's key Tshwane and Johannesburg municipalities and the Eastern Cape's Nelson Mandela Metro – both provinces have strong emotional and political importance to the party – much of the blame has been associated with President Zuma's leadership and the endless scandals. The *Sunday Times*³³ reported ANC secretary general Gwede Mantashe as saying, 'Nkandla and the Guptas have been sticky issues with middle class urban voters. The middle class proved not to be religious about the ANC and was generally critical'. It is not likely, however, that Zuma will be replaced before the end of his term, but the question now is whether or not Zuma's controversial leadership style and tenure has irrevocably severed the ANC's link with the people and ended the party's political dominance as Mashele and Qobo's³⁴ project. And, if this is indeed the case, will the new ANC leader, who is due to be elected in 2017, be forced to seek new political alignments to try to recoup some of the party's losses?

CONCLUSION

If the true test of a party's leadership is its ability to grow its base membership, mobilise these followers, shape public opinion, and shift voter support, then how can we characterise the DP/DA and the ANC's leaders?

The leaders of the DP/DA have faced different dynamics during their terms. Their strategy, in the early years, revolved around maintaining white and coloured support and then around taking supporters away from what

was left of the NP. This strategy has, however, predicated the party's support on the basis of race, which tends to muddy their message and their political successes. It is only recently that the party started canvassing for black support, by focusing on the ANC's poor performance under Zuma – a tactic that ties state corruption and a lack of quality service delivery to Zuma's policy of cadre deployment. The party's new leader, Maimane, is expected to grow the party among blacks, which, according to Tony Leon, was tested in the 2016 local government elections.³⁵ These election results saw the ANC lose key municipalities, giving Maimane's party leadership an essential boost and the platform to pursue a more politically transformative agenda.

To facilitate its cause, the DP/DA political leadership successfully busied itself with creating strong party machinery that is capable of competing with the mighty ANC. For its part, the ANC leadership under Mbeki managed to modernise the party's systems, by creating branches in line with municipal and local government boundaries; but it has since battled with increased factionalism, thanks to the principle of cadre deployment. As a result, the ANC's central leadership is forced to support one or other local faction, based on each faction's assessed strength, which ultimately also determines the type of representation that attends the national conference where leaders are chosen. Essentially, the only hold the party or, more precisely, the national party leadership has over these members is its ability to influence the party list in favour of the local faction that supports it. This has often brought the central leadership into conflict with branches and regions when it comes to nominating candidates. Unless there is a change in the proportional representation electoral system, such tensions and conflicts are likely to continue and, at times, turn violent, as witnessed in the 2016 local government elections.³⁶

Party politics in South Africa has a history of being built on racial and ethnic lines. Unfortunately, leaders from the DP/DA and the ANC have seized on these prejudicial constructs and exploited them for their own gain. From Tony Leon, who expanded his party's membership by tapping into white fears of racial retribution, to Thabo Mbeki and Jacob Zuma who, to differing degrees, traded patronage for loyalty during policy and leadership battles, respectively, each leader has based his leadership on a system of transaction. Curiously, none have sought to bolster the transformative reconciliation agenda Mandela started in 1994. Perhaps such a task is too much to ask of a generation that lived through apartheid. Perhaps such reconciliation can only be led by another, younger generation. The question is: will this new generation rise to the challenge?

ENDNOTES

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- 2 Leon, T., 2008. On the contrary: Leading the opposition in democratic South Africa. Johannesburg: Jonathan Ball Publishers, p. 292.
- 3 Msomi, S., 2016. Mmusi Maimane: Prophet or puppet? Johannesburg: Jonathan Ball Publishers.
- 4 In his book, *Eight Days in September: The Removal of Thabo Mbeki*, Frank Chikane, the then director general in the presidency, detailed Luthuli House's machinations against Mbeki.
- 5 In 2012, a prolonged strike by miners working at the Lonmin Platinum mine and affiliated with the AMCU, a rival trade union to the COSATU-affiliated NUMSA, turned confrontational. In an attempt to contain the striking miners, the police used lethal force on a scale not seen since the apartheid era. The incident has become known as the Marikana Massacre.
- 6 The current provinces remained the same as they were under apartheid: the Cape (now Eastern Cape, Western Cape and Northern Cape), the Transvaal (which incorporated Gauteng, Limpopo, Mpumalanga and North West), Natal (now KwaZulu-Natal) and the Free State.
- 7 Chapters 3 and 5 offer a more in-depth discussion on the intra-party election system.
- 8 Munusamy, R., 2016. Threat of pro-Zuma breakaway emerges as reality bites ANC at manifesto launch. *Daily Maverick*, 18 April 2016. Available at <https://www.dailymaverick.co.za/article/2016-04-18-threat-of-pro-zuma-breakaway-emerges-as-reality-bites-anc-at-manifesto-launch/> [Accessed 1 June 2016].
- 9 Brooks, H., 2004. The dominant party system: Challenges for South Africa's second decade of democracy. *Electoral Institute of South Africa Occasional Paper*, 25.
- 10 Ammeter, A.P., Douglas, C., Gardner, W.L., Hochwarter, W.A. and Ferris, G.R., 2002. Towards a political theory of leadership. *The Leadership Quarterly*, 13, pp. 764-65.

- 11 Leon, T., 2008. p. 540.
- 12 Ibid., p. 291.
- 13 The term stands for those who have no memory of black suffering under apartheid and hence are not beholden to the ANC liberation image.
- 14 Cilliers, J., 2014.
- 15 Hunter, Q., 2016. ANC admits Zuma scandals helped alienate middle class. *Sunday Times*, 7 August 2016. Available at <http://www.timeslive.co.za/sundaytimes/stnews/2016/08/07/ANC-admits-Zuma-scandals-helped-alienate-middle-class1> [Accessed 20 November 2016].
- 16 Ranchod, R., 2015. Crafting dominance: Political power and the marketing of the African National Congress. *Politikon*, 42(30), p. 375.
- 17 Please see Zondi's discussion of how ANC interests set the broad guidelines for South Africa's foreign policy, rather than an individual leader, as is characteristic of Western democracies.
- 18 Reitzes, M. and White, F., 2010. Positioning civil society post Polokwane: Coming to terms with political leadership changes. Johannesburg: Ford Foundation and Charles Stewart Mott Foundation, p. 13.
- 19 These 'islanders' constituted the old guard, the original leaders of the ANC and SACP, and the later arrivals from the UDF/internal activists and captured Umkhonto We Sizwe cadres, who had infiltrated the country after exile.
- 20 Brooks, H., 2004, p. 18.
- 21 Teles, F., 2015. Distinctiveness of democratic political leadership, *Political Studies*, 13, p. 24.
- 22 Brooks, H., 2004.
- 23 Gumede, M.W., 2005. Thabo Mbeki and the battle for the soul of the ANC. Cape Town: New Holland.
- 24 Van Vuuren, H., 2014. South Africa: Democracy, corruption and conflict management. Democracy Works Conference. Johannesburg: Centre for Development and Enterprise, p. 19.
- 25 Teles, F., 2015, p. 30.
- 26 The incident was pejoratively referred to as the shower affair and was engrained in peoples' minds by the *Sunday Times* cartoonist Zapiro, who added a shower to his Zuma caricature after Zuma admitted to showering immediately after the alleged incident, in order to avoid contracting HIV.
- 27 The charges were dropped with the help of state security members, who leaked conversations between the investigators and prosecutors to the Zuma defence lawyers – a crime that has gone unpunished.
- 28 A detailed account of this affair appears in Chapter 7.
- 29 Jika, T. and Hunter, Q., 2016. Mantashe 'ignored' spy report on Guptas' influence. *Sunday Times*, June 5 2016. Available at: <http://www.timeslive.co.za/>

sundaytimes/stnews/2016/06/05/Mantashe-ignored-spy-report-on-Guptas-influence1 [Accessed 10 June 2016].

- 30 Ranchod, R., 2015, p.376.
- 31 Pityana, B., 2016. A coming of age: Theological and ethical reflections on the future of South Africa. *Strategic Review of Southern Africa*, 38(1).
- 32 Paret, M. 2015. Failed redistribution or failed administration? Official union narratives of community protest in South Africa. *Politikon*, 42(3), p.347.
- 33 Hunter, Q., 2016.
- 34 Mashale, P. & Qobo, M., 2014. The fall of the ANC: What next? Johannesburg: Picador Africa.
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CHAPTER 5

Do Political Parties Still Shift Public Opinion?

Mari Harris, Stella Fleetwood and Antonia Squara

The best argument against democracy is a five-minute conversation with the average voter.

Winston S. Churchill

The success of the triangular relationship between the people, political parties, and the state relies on the type of link a political party provides between the people and the state.

In the past, given the relative newness of democracy as a concept and a system, the African National Congress (ANC) has successfully swayed public opinion with its impressive struggle legacy. Using its liberation narrative, which is explained in more detail in Chapter 6, the party helped voters contextualise the roots of the political dynamic by exposing the apartheid system's myths and architecture. For the first 22 years, this interpretation was enough to garner support for the ruling party and reinforce the belief that the ANC, as a political party, was able to shape the public's opinion about their specific circumstances and about the state in general.

In South Africa, political parties and party dynamics have certainly shown interesting developments over the last few years, culminating in the results of the local government elections of August 2016. Many referred to these results as 'surprising' and a 'watershed',¹ but why did it catch the ANC, in particular, by surprise? Didn't the surveys that measured public opinion give an indication of what was in the offing? Given how some parties seemed to dismiss this data, this chapter questions whether we can still say that South African political parties, and particularly the ANC, shifts public opinion. The trend seems to indicate otherwise; and, as this chapter will show, it also suggests that if parties such as the ANC wish to influence voter choice in the future, they need to adapt to the changing socio-political environment by taking public opinion data more seriously.

This chapter will explore these issues based on the public opinion research² conducted by Ipsos South Africa³ during 2016, and with reference made to earlier studies.

THE RISE AND FALL – AND FALL ... – OF POLITICAL PARTIES

According to the Independent Electoral Commission's (IEC) website⁴ nineteen parties contested the first democratic elections in 1994. Of these, only three – the ANC, the NP and the IFP – managed to draw the support of more than a million voters. In 2016, more than two-hundred parties contested the local government elections, yet only three parties – the ANC, the Democratic Alliance (DA) and Economic Freedom Fighters (EFF) – received more than a million votes (not double-counting the ward and proportional representation (PR) votes – that is, a voter can express their opinion for a candidate and a party in the local elections). Although local government elections theoretically focus more on local issues, the proliferation of parties in 2016 seems to show that people are looking for something else in a party – something they are not currently seeing or receiving from the three strongest political parties. However, one could also argue that the solution is probably not to create more and more parties to address the issues. Sniderman and Bullock⁵ sum up this dilemma:

...in representative democracies citizens do not directly choose the alternatives. They only get to choose from among the alternatives on the menu of choice presented to them. That menu is simplified, coordinated, and advocated above all through electoral competition between political parties. Accordingly, we claim that citizens in representative democracies can coordinate their choices insofar as the choices themselves are coordinated by political parties. (. . .) On our view, it is parties and candidates that do the heavy lifting necessary for consistency in public opinion.⁶

To show how support for the bigger political parties has developed over the 22 years of democracy, the results of all national elections and the last two local government elections are illustrated in Figure 5.1. It is clear that support for the ANC is decreasing, while support for the DA and EFF is growing.

Figure 5.1 Support for political parties at the ballot box 1994-2016

Ipsos regularly measures public support for political parties and usually publishes a prediction just before voting day. On 12 May 2014,⁷ ahead of the national and provincial poll, Ipsos published a press release with a prediction (Figure 5.2) that was very close to the actual election results.

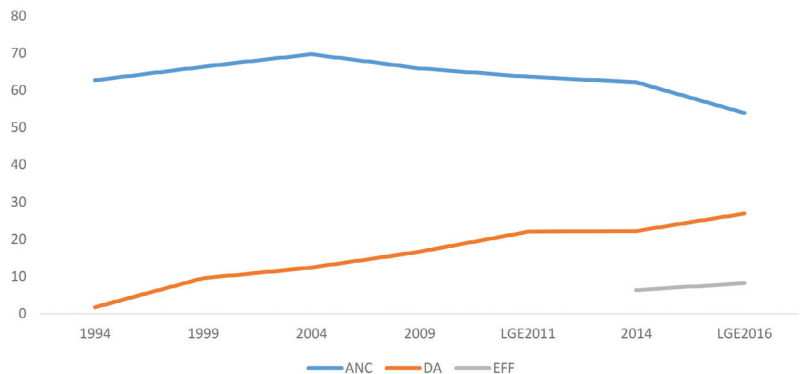


Figure 5.2 2014 National election results prediction and actual results

Party	Monday 12 May 2014 Forecast of possible percentage	Accounting for the margin of error, the final results will be between ...	Actual election result percentage
ANC	63	61 per cent and 65 per cent	62.15
DA	22	20 per cent and 24 per cent	22.23
EFF	5	3 per cent and 7 per cent	6.35
Other parties	10		

2016 ELECTION PREDICTION

It is a far more complex process to predict the possible behaviour of voters in a local government election than in a national election, as it is important to look at possible results in the country as a whole, but also at provinces, metropolitan areas, districts and individual councils, which all come into

play. In fact, a local government election is not just one election, but rather an assemblage of almost 300 separate elections. Before the 2016 local government elections, Ipsos again made a prediction⁸ – and if we look at the combined national results of this election, it was again very close to the mark.

Figure 5.3 2016 Local government elections prediction (at national level) and actual results

Party	Monday 1 August 2016 forecast Possible percentage	Margin of error	Actual election result percentage
ANC	54	1.0 per cent – 2.3 per cent	53.91
DA	26	1.8 per cent – 4.1 per cent	26.90
EFF	8	3.1 per cent – 7.0 per cent	8.19
Other parties	12		11

Figure 5.3 indicates that national support for the ANC (from voters and non-voters) dropped below 50 per cent in May 2016.⁹ In the July 2016 Pulse of the People™ study, the results for the ANC amongst South Africans were as follows:¹⁰

Figure 5.4 July 2016 ANC results as measured in Pulse of the People™

National ballot percentage	Provincial ballot percentage	Local ballot percentage
53	52	51

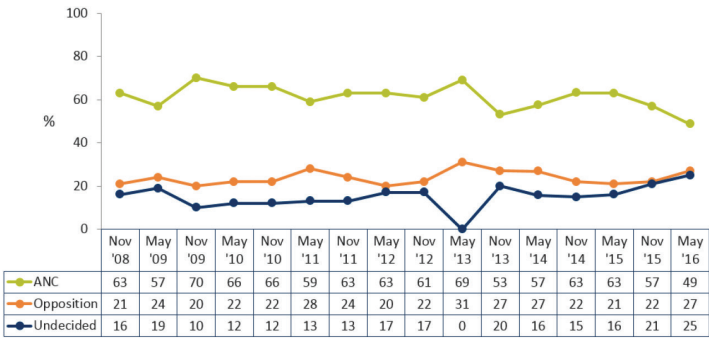
Therefore, 50-53 per cent of South Africans supported the ruling party.

The survey results in the City of Johannesburg and the City of Tshwane indicate that the possible results in these cities are too close to call. However, it seems as if the DA is doing very well and is ahead in the race to win control in Nelson Mandela Bay. Whereas election results only reveal the party of choice of voters who turn out to vote on election day, the opinions of the general

public are also important, as dialogue helps shape opinions and perceptions that, in turn, influence voting behaviour. Ipsos measures general public opinions through the Pulse of the People™ study on a six-monthly basis. This provides a longitudinal view of how core support for political parties develops over time. Figure 5.5 illustrates the support South Africans have shown to the governing party since November 2008.

Figure 5.5 ANC support vs opposition support, November 2008 - May 2016

Evaluation of political leaders and parties – ANC vs. Opposition Ipsos Public Affairs



Compared to the opposition in its entirety. This is done due to the strong position of the ANC compared to opposition parties. Support for the ANC was strongest after President Jacob Zuma was sworn in as President of South Africa on 9 May 2009. This positive perception is clear when looking at the November 2009 results. While support for the ANC has fluctuated over the years, a general declining trend is evident, while support for opposition parties has increased along with the percentage of voters who are undecided about which party they support.

THE MOOD IN THE COUNTRY IS BECOMING MORE DESPONDENT

While the performance of political parties during the 22 years of democracy in South Africa is important, assessing the country’s mood is relevant to the topic of public opinion. This can be measured in a number of ways and this chapter focuses on three specific aspects, namely:

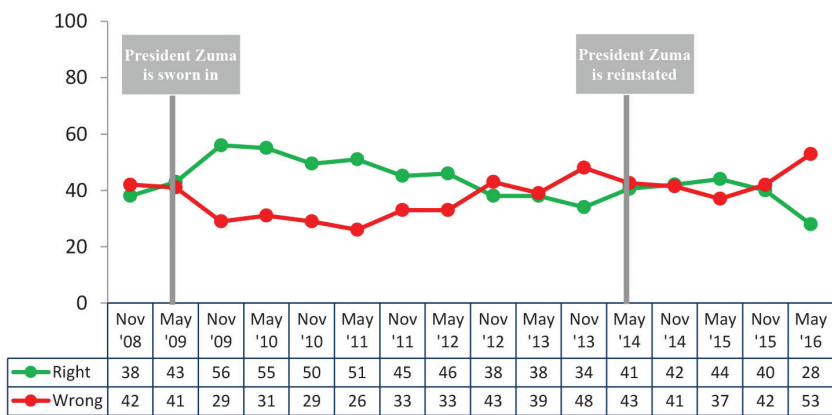
- The future of South Africa: Is the country moving in the right direction or the wrong direction?
- The future of South Africa: Children's prospects and standards; and
- The future of South Africa: Are standards improving?

THE FUTURE OF SOUTH AFRICA: IS THE COUNTRY MOVING IN THE RIGHT DIRECTION OR THE WRONG DIRECTION?

This fairly uncomplicated question was added to the questionnaire for the Pulse of the People™ study in the mid-nineties and has proved to act as a type of ‘early warning system’: by measuring the country’s mood it also warned political institutions of potential pitfalls. Historically, this indicator was invariably the first to show a downward trend when the outlook was turning gloomy or an upward trend when South Africans thought that better days were approaching. In line with international trends, all indicators show more positive results directly after an election and then, when things get back to ‘normal’, the indicator results tend to taper somewhat.

South Africans who participate in the Pulse of the People™ study also have the option of saying that they ‘don’t know’, but Figure 5.6 shows only the proportions who said either that they feel the country is moving in the ‘right direction’ or in the ‘wrong direction’. The time-frame is each six-month period since November 2008 to May 2016.

Figure 5.6 The mood in the country, November 2008 - May 2016



In May 2009, just when Jacob Zuma was elected president of the country, South Africans were still uncertain how his leadership would pan out, with opinions split almost equally between those who thought that the country was going in the right direction and those who had the opposite view. We can see the high hopes of post-election euphoria playing out in these results, as indicated by the very positive results for November 2009 and May 2010. However, after the success of the FIFA World Cup in South Africa, the mood in the country started worsening. By November 2012, there were more South Africans who felt that the country was going in the wrong direction than those who thought that things were still on the right track.

Contrary to the post-election euphoria seen in previous elections, the 2014 national election had very little influence on building confidence and lifting the mood in the country. In November 2015, opinions were again split almost equally. Since then, as the May 2016 survey showed, those who were of the opinion that the country was going the wrong way were almost double the proportion who said that things were going in the right direction.

In the pre-election Pulse of the People™ study that was done in July 2016, this question was included again and the results still showed a strong feeling of disassociation driving the opinion that the country was still moving in the wrong direction:

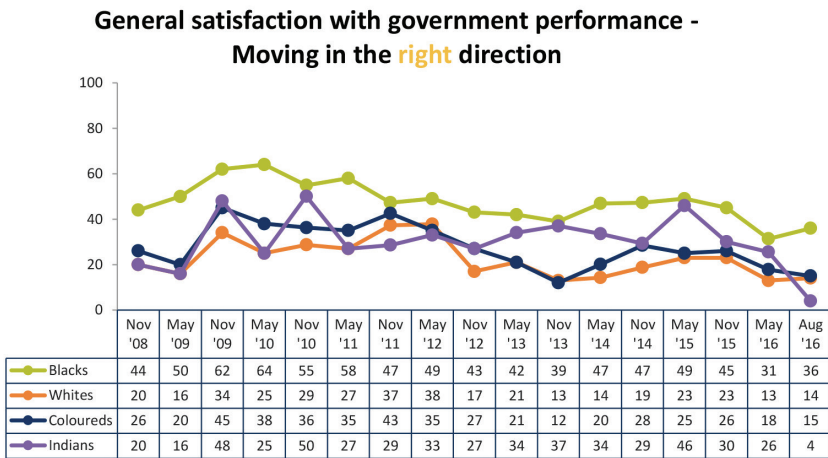
Figure 5.7 The mood in the country, July 2016

The country is moving in the ...	South Africans sampled per cent
Right direction	31
Wrong direction	50
Don't know/Undecided	19

As a result of the deep divisions in the country and the regular references to race issues in the election campaigns of different parties, it is relevant to look at how South Africans of different backgrounds have reacted to this question over the years.

Figure 5.8 illustrates the same longitudinal data as before, however it segments the results by race. Although the percentages differ, the trend is obvious, i.e. fewer South Africans feel that the country is moving in the right direction. Since November 2009, increasing proportions of South Africans of all backgrounds feel that the country is moving in the wrong direction.

Figure 5.8 The mood in the country as seen by different population groups, November 2008 - May 2016



Critics could argue that this worrying finding is the result of the naysayers in the country who support opposition parties. This is why it is important to point out that these responses came from a Flash Poll¹¹ that was conducted in March 2016,¹² with the opinions of those who support the ruling party being split down the middle: almost half (48 per cent) the ANC supporters said that the country was going in the wrong direction, while 46 per cent said the country was going in the right direction.

In the July 2016 pre-election Pulse of the People™ study, it was again clear that the views of ANC supporters were still split down the middle.

Figure 5.9 The mood in the country as seen by ANC supporters, July 2016

The country is moving in the ...	ANC supporters percentage
Right direction	42
Wrong direction	40
Don't know/Undecided	18

The electioneering and campaigning that preceded the local government election brought no respite and, on the eve of the election, half of the polled registered voters felt that the country was going in the wrong direction. This despondent feeling amongst South Africans may have contributed to

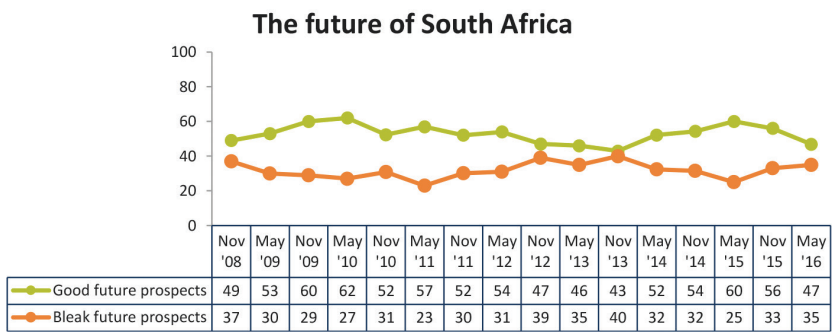
the ruling party losing majority power in major metropolitan cities. While South Africans tend to vote for a party and not necessarily a leader, service delivery issues, protests and general despondency in the country may have influenced voter behaviour on election day. This is one sign that concentrating on a liberation narrative is no longer enough – voters want to see and feel something tangible. The remaining survey findings further support this trend.

THE FUTURE OF SOUTH AFRICA: CHILDREN'S PROSPECTS AND STANDARDS

Another of the public opinion indicators assesses the prospects for children raised in South Africa. The question asked was: 'Thinking about your children or the children of family and friends, what do you think the future holds for these children? Do they have good or bleak future prospects?'

While the opinions of South Africans are not as strongly expressed as was seen with the question on the direction in which the country is moving, clearly people are more pessimistic: less than half of South Africans (47 per cent) believe that children in the country have good future prospects.

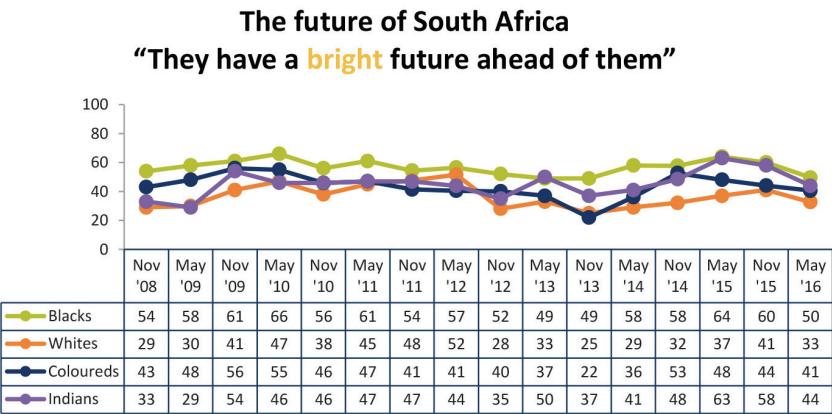
Figure 5.10 The future prospects of South African children, November 2008 - May 2016



The downward trend is also evident amongst different population groups. While perceptions showed signs of improvement in the period May 2014 to May 2015, a more negative view has been evident since then. It is interesting to note that this negative feeling coincides with widespread incidents of

unrest and protests at universities (for example, the country-wide ‘fees must fall’ protests). Is it possible that students’ concerns about rising fees and the standard of education (at both primary and secondary level) could have effected how South Africans viewed the future of children in the country?

Figure 5.11 The future prospects of South African children as seen by different population groups, November 2008 - May 2016



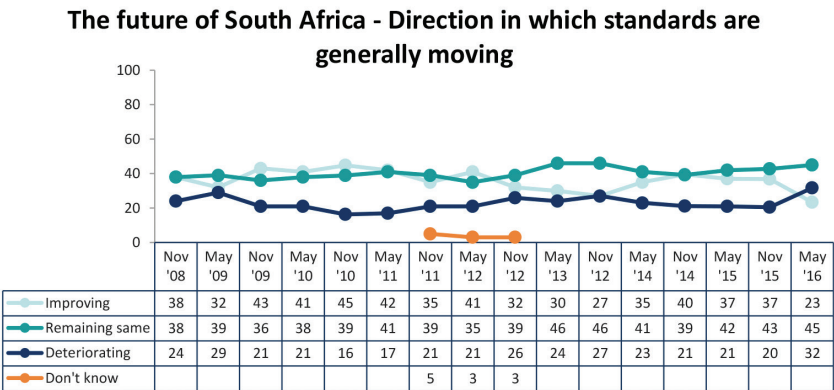
Believing that children in the country have a bleak future undoubtedly influences voting behaviour and may also contribute to concerns about the ‘brain drain’ in the country. It is interesting to note that the black population felt much more despondent in May 2016 than in November 2015. This is significant, because the majority of the South African population is black; thus a decrease in 10 percentage points over a period of six months represents the views of a large portion of the voting population.

THE FUTURE OF SOUTH AFRICA: ARE STANDARDS IMPROVING?

In a developing country, the party in power should, ideally, strive to continuously improve standards – economic, moral and educational – to ensure that all citizens share in the wealth of the country in one way or another. However, less than a quarter (23 per cent) of South Africans feel that standards are improving, while about a third (32 per cent) say the country is deteriorating in the economic, moral and educational spheres. The sentiment regarding this issue is more negative than in the previous eight years,

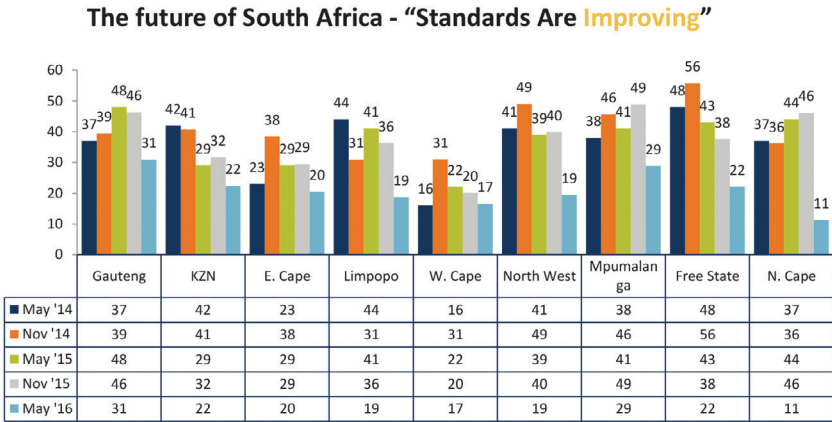
with fewer citizens feeling that standards are improving and more feeling that they are deteriorating.

Figure 5.12 The direction in which standards are moving, November 2008 - May 2016



Looking at the situation in different provinces, it is clear that perceptions differ in the different regions and that Northern Cape residents feel that they are worst off: only 11 per cent say that standards are improving. The Western Cape, where only 17 per cent say that standards are improving, follows them. With this response from one of the most developed provinces in the country, it is unsurprising that South Africans are concerned. Overall, South Africans in all provinces are more despondent than they have been over the past two years. These negative feelings may have contributed to the ‘surprising’ election results, as residents are becoming increasingly unhappy with the level of service the current government is providing.

Figure 5.13 Perceptions of the direction in which standards are moving in different provinces, May 2014 - May 2016



Given these indicators, there was a shift in how South Africans perceived the country’s progress over the last two years (i.e. since 2014). No longer are developments or government decisions just accepted – South Africans are finding their voice about how they think things should be done in the country.

How did political parties react to these trends and did it influence how they approached the electorate and the local government elections?

If we look at the election campaigns preceding the local government elections of 2016, it is clear that national issues (for example corruption and unemployment) dominated, rather than local issues (for example service delivery in the area). In fact, the election concluded with relatively few of the eligible political parties winning any seats in local councils – a notable result considering that more than 200 parties were registered to participate in the elections. A number of political parties and political analysts were shocked at the final results of the elections and it would appear that some political parties realised rather late that the political views in South Africa had shifted.

The deployment of Ms Thoko Didiza as the ANC mayoral candidate in the City of Tshwane is a perfect example of this blinkered approach. Not only was it the first time that the ruling party announced its mayoral candidates prior to an election, but the announcement of the Tshwane mayoral candidate was made a day after the announcement of ANC candidates in other metropolitan areas. At that stage, the capital city of Tshwane was

plagued with internal division within the ANC between groups supporting the previous mayor (Mr Kgositso Ramakgopa) and the previous deputy mayor (Mr Mapiti Matsena). However, after Ms Didiza's candidacy was announced, violence and unrest erupted in Tshwane, resulting in instability and uncertainty as the weekly pre-election survey conducted by Ipsos (on behalf of eNCA) indicated.¹³ The ANC did not adapt to the preferences of the citizens, but rather attempted to persuade them to accept the decision made by the party. In this instance, the ANC tried to shape the opinion of its loyal supporters, but the results indicate that this was a largely unsuccessful strategy. Many of these loyalists chose instead to abstain from voting, which may have contributed to the DA winning the Tshwane council. In fact, the largest political parties all utilised this event to frame the image they wanted to portray. For example, the ANC framed Ms Didiza as the most qualified person for the job and someone who had the best interests of the citizens in mind; opposition parties framed the event as the ruling party not listening to the voice of the people and pushing their own agenda onto voters. In this way, political parties may have helped to influence opinions – but certainly not in the ANC's favour.

'THERE IS NO POLITICAL PARTY THAT REPRESENTS MY VIEWS'

The 2015 Pulse of the People™ survey found that more than one-third of South Africans felt that no political party represented their views. An Ipsos client wanted to explore this further by conducting qualitative research during the first quarter of 2016.¹⁴ The main objective was: to better understand the views and opinions of those who felt ambiguous about the political parties; and to determine the underlying causes (if any) of voters' mistrust of political parties.¹⁵

The results of the study are summarised as follows:

- Group participants were rather negative about the situation in South Africa and believed that conditions had deteriorated since the 2014 national elections.
- They were particularly disappointed with the quality of service delivery and felt that the national government had made promises that had not materialised.
- They were both disappointed and disillusioned with the ANC, which had brought them freedom and then made promises that have been broken.

Group participants agreed that the current leadership had changed the character of the ANC for the worse, as the party was no longer accountable, honest, transparent or united.

- They were worried that South Africa would continue to deteriorate under the ANC's leadership, because the party was not focused on eliminating poverty, corruption was going unpunished, and too many foreign nationals were entering the country.
- They had mixed feelings about the DA. They were impressed by their dedication to education, fighting racism, encouraging employment and growth in general. However, many viewed the DA as a 'white party' with a black puppet as its leader. Furthermore, the DA was still associated with the old National Party (NP) and some respondents were worried that if the DA came to power it would bring back apartheid.
- The respondents also had mixed feelings regarding the EFF. The party was described as being outspoken, full of energy, transparent and confident. Respondents particularly liked that the EFF wanted to bring about change and were focused on the economy. However, the strongest criticism of the EFF was regarding the manner in which they conduct themselves: they were seen as destructive, immature, aggressive and too radical.
- Most participants believed that South Africa needs a change; however, they did not necessarily believe that a new party was the best way to achieve this. Furthermore, some were wary of the idea of a new political party, because they had lost faith in politicians and political parties in general.

As a result, many group participants indicated that they would not be voting in the local government elections, as they saw it as a waste of their time. They believed that the ANC would win regardless and that – even if they did want to vote – there was no party they would want to vote for.

Looking at the findings from the July 2016 Pulse of the People™ survey, the number of people who agreed with the statement, 'There is no political party that represents my views', had grown from almost a third of all South Africans, in 2015, to more than four in ten (44 per cent) on the eve of the local government elections.

Figure 5.14 Political alienation, July 2016

There is no political party that represents my views ...	South Africans percentage	
Strongly agree	20	In total, 44 per cent agree
Agree	24	
Neither agree nor disagree	19	
Disagree	17	In total, 34 per cent disagree
Strongly disagree	17	
Don't know	3	

The results of the May 2016 Pulse of the People™ study indicate that about a third (34 per cent) of voters were sure of the party they wanted to support in the local government elections in August, highlighting the fact that South Africa is indeed in a different kind of political dispensation than earlier in its democracy. South Africans will continue to monitor political party performance to see if the parties can or will deliver on the election promises that have been made.

It is also interesting to see that all population groups, albeit to different degrees, feel alienated from political parties.

Figure 5.15 Political alienation in different population groups, July 2016

There is no political party that represents my views ...	Blacks per cent	Whites per cent	Coloureds per cent	Indians per cent
Strongly agree/Agree	45	36	42	55
Neither agree nor disagree	20	14	15	8
Disagree/Strongly disagree	31	46	40	32
Don't know	4	4	3	5

It seems counter-intuitive that Black, Coloured and Indian South Africans should experience a higher level of alienation from political parties than Whites, but this is exactly what the data shows.

In the same questionnaire (Pulse of the People™), respondents were asked to indicate their choice of political party. An analysis of party supporters showed that DA and EFF supporters were more committed to their political party choices before the local government elections than those who

said they would vote for other parties. Almost half (49 per cent) of DA supporters and EFF supporters (47 per cent) disagreed with the statement about political alienation, showing that they were fairly committed to their party of choice. However, the DA and the EFF still need to work to win the commitment of their supporters, since slightly more than a third of the supporters of both these parties agreed that no political party represents their views.

About a third (32 per cent) of the ANC's supporters mentioned that they either 'disagree' or 'strongly disagree' that there is no political party that represents their views, while almost half (47 per cent) indicated a degree of political alienation. The results of the 2016 local government elections reflected these findings and are therefore not at all surprising – see Table 5.9.

Figure 5.16 Political alienation among supporters of different political parties, July 2016

There is no political party that represents my views ...	ANC supporters percentage	DA supporters percentage	EFF supporters percentage
Strongly agree/Agree	47	35	37
Neither agree nor disagree	20	15	15
Disagree/Strongly disagree	32	49	47
Don't know	1	1	1

Against this background, it is understandable that the voter turnout in the August 2016 local government elections was only marginally higher than that achieved in the 2011 local government elections.¹⁶ The large number of South Africans – roughly eight to nine million – who are eligible to vote, but who are not registered, also shows how alienated potential voters feel.

SOME REASONS WHY VOTERS STAYED AWAY IN AUGUST 2016

Of the 26.3 million voters registered with the IEC, more than 40 per cent did not vote on 3 August 2016. Possible reasons for the decision not to vote were explored in the weekly pre-election survey commissioned by the television news outlet, eNCA. This study was done in the three most contested metros in South Africa, namely, the City of Johannesburg, the City of Tshwane and the Nelson Mandela Bay Metropolitan Municipality. The study recruited a panel of South Africans living in these metropolitan areas to participate in

a weekly telephonic survey. Each week, respondents from the panel were asked to indicate which political party they would vote for, in order to track changes in opinion leading up to the election.

For people living in Johannesburg, the most important reasons for not wanting to vote included a lack of trust in the political parties and the empty promises made by politicians. For residents of the capital city (Tshwane), the self-serving nature of politics was a big issue, coupled with empty promises having been made and respondents stating that they had little interest in politics and elections. In Nelson Mandela Bay, people felt very strongly about the empty promises that had been made by politicians and also felt that politics had brought very little change to their community – they were specific and pragmatic in listing things like housing and subsidies.

The decision to abstain from voting is related to voter apathy and a low level of interest in politics and elections. Furthermore, possible voters expressed doubts on their desire or likelihood to vote, even shortly before the August 2016 local government election.

INTEREST IN POLITICS AND LIKELIHOOD TO VOTE

In July 2016, just before the local government election, more than a third (36 per cent) of South Africans said that they are not interested in politics and elections. This finding is analogous to those who say that no party represents their views; however, these are not necessarily the same people.

Figure 5.17 Interest in politics and elections, July 2016

How interested are you in politics and elections?	South Africans per cent
Very interested	24
Somewhat interested	38
Not interested	36
Don't know	2

When it comes to voting, two issues are imperative: the desire to vote ('How much do you want to vote?'); and the likelihood of voting ('How likely are you to vote?'). While these questions may appear similar, they are indicative of different behaviours and can be influenced by numerous factors, such

as intimidation, transport, health and freedom of choice. (For example the strong paternalism prevalent in some areas of South Africa that may influence voting behaviour).

Figure 5.18 Desire to vote, July 2016

How much do you want to vote?	South Africans percentage
I definitely want to vote	27
I want to vote	51
I do not really want to vote	8
I definitely do not want to vote	9
Don't know	5

Figure 5.19 Likelihood of voting, July 2016

How likely are you to vote?	South African per cent
Very likely	35
Likely	43
Not likely	8
Not at all likely	9
Don't know	5

Ipsos uses these two questions to extrapolate a pre-election model that determines possible election turnout. Most predictions are based on a combination of likelihood and desire to vote, along with other issues, for example registration, sentiment about political parties and opinions about leadership. Almost four out of every five voters indicated that they either wanted to vote or were likely to vote; however, the election turnout indicated that less than three in every five voters turned out to vote.

Interest in politics influences how voters engage with political parties. As Chapter 6 discusses in more depth, those who are somewhat interested in politics tend to form their voting choice based on the 'summarised' information they receive from political parties.¹⁷ So citizens often compensate for inadequate information (in South Africa, this is often due to lack of access to information) by using information provided by political party endorsements. In this way, political parties play an active role in shaping voting

behaviour, i.e. by promoting their own values and slandering opposing parties. Approximately one quarter of South Africans are very interested in politics and elections, thus the role of parties in shaping voter behaviour is limited. Those who are not that interested base their opinions on a plethora of sources.

CAN THE PARTY AGENDA BECOME THE ‘PEOPLE’S AGENDA’?

In the Pulse of the People™ study conducted in July 2016, respondents were asked what they would like their local councils to focus on after the local government elections. The results were filtered to reflect those who were registered to vote.¹⁸ The results indicated that a few key issues were important to South Africans, as indicated in Table 5.15.

Figure 5.20 The people’s agenda, July 2016

Most important issues to focus on*:	All issues mentioned percentage	Most important issue chosen percentage
Unemployment	87	40
Crime	57	9
Corruption	55	13
Development of infrastructure	47	12
Poverty	47	7
Education	38	3
Health (excl. HIV and AIDS)	27	1
Land reform	24	1
HIV and AIDS	22	1
Brain drain	15	1
Other issues	Many other issues were mentioned by small proportions	12

*Issues mentioned by 1 per cent or more of registered voters are shown

Similarly, participants in the qualitative group discussion (referred to earlier) agreed that the ideal political party would focus on key issues, namely:

- job creation;
- improve infrastructure;
- prevent and reduce corruption;
- provide good quality housing;
- invest in the youth; and
- provide free education.

There is strong resonance between the two studies (the qualitative focus groups and the Pulse of the People™) and the issues that South Africans feel are important to address. Therefore, if political parties are to gain and maintain supporters in future election cycles, they must act on their election promises, and soon, since they will be judged on their performance in the next national election in 2019. Given the limited time frame between the August 2016 local government election and the next national election in 2019, parties might well assess their strong points and use them to draw and influence voters.

WHAT ARE THE MAIN DRAW-CARDS FOR POLITICAL PARTIES?

During the first week of the pre-election survey commissioned by eNCA, panel members were asked to indicate why they chose certain political parties as their preferred party. In the City of Johannesburg, the heritage of political parties and the promise of making a difference in a voter's life drove political party choice.

ANC voters tend to hold a deep emotional attachment to the political party. Indeed, the party's legacy helps its followers identify and relate to the party, which is seen when surveys probe why voters support a specific political party. For example, 'This is the only party for me' was mentioned by 30 per cent of registered voters in Johannesburg, but ANC supporters found this to be a very important aspect and twenty percent more ANC supporters mentioned this issue in relation to their party choice. On the other hand, this was not a draw-card for DA and EFF voters. They found the option, 'The party can make a difference to my life' to be a far more compelling reason for choosing one of these two parties. The radicalism of the EFF and the party's manifesto earned it support, while the DA's stance against

corruption stood it in good stead. Therefore, voters are not only passive receivers of the information that political parties give them, they also tend to make active decisions when it comes to casting their ballot. ANC supporters view the party through the lens of liberation, while those who vote for opposition parties tend to focus on the more negative aspects of the ruling party in making their decisions. For example, DA voters were more inclined to select this party because it is seen as 'not corrupt', while the radicalism and promise of change was a drawcard for EFF voters.

It is prudent to look at the opinions expressed by registered voters at a national level. In the July 2016 Pulse of the People™ study, respondents were asked if they agreed or disagreed with a number of different statements. The origins of these statements are views expressed in the media or during focus group discussions.

Figure 5.21 Some strong views on the leading parties in South Africa July 2016

Please indicate if you strongly agree, agree, neither agree nor disagree, disagree or strongly disagree with each of these statements...*	Strongly agree / Agree percentage	Disagree / Strongly disagree percentage
The ANC has lost its 'moral compass'	57	19
I have faith that the ANC will live up to their election promises	45	33
The DA talks a lot, but does very little for people like me	52	24
The EFF is having a negative effect on Parliament	65	17
The EFF's policies are too radical	61	16

*Those who mentioned that they 'neither agree nor disagree' or said that they 'don't know' are excluded from this table.

It is important to acknowledge that these results possibly reflect the views of all registered voters and not only of those who support certain parties. It is clear that the EFF's radicalism is not finding favour with everyone and that the DA has a lot to prove in the councils that it now governs. As previously indicated, support for the ANC is not unequivocal and the party has a big challenge ahead of it.

GOING FORWARD

Based on the results presented, it is evident that political parties do not shift public opinion; rather, public opinion shifts political parties.

In 22 years, South Africa's democracy has matured to a point where one party can no longer dictate. Should political parties not heed the opinions expressed by South Africans, they run the risk of becoming irrelevant in a fast-changing environment. It is also important to point out that South African voters are youthful, vibrant and want to see their government and political parties take notice of their views.

There is no doubt that the political landscape changed irrevocably on 3 August 2016 forming new coalition governments and handing established parties the task of proving that they can deliver on the 'people's agenda'. The next three years (until the national and provincial elections in 2019) will be a critical period for the survival and possible future growth of political parties. This is the true nature of a democracy, and political parties will have to adapt and realise that the power of the vote determines influence. As Winston Churchill said, 'Democracy is the worst form of government, except for all the others'.

ENDNOTES

- 1 eNCA, 2016. South Africans give ruling ANC worst election since apartheid. 6 August 2016. Available at <http://www.enca.com/south-africa/south-africans-give-ruling-anc-worst-election-since-apartheid> [Accessed 30 August 2016]; All Africa, 2016. South Africa: Shock for ANC – Local Government Elections. 2016. 4 August 2016. Available at <http://allafrica.com/stories/201608040603.html> [Accessed 30 August 2016]; Msimang, S, 2016. South Africa's local election shock down to anger and apathy. *The Guardian*, 5 August 2016. Available at <https://www.theguardian.com/world/2016/aug/05/anger-and-apathy-behind-south-africas-shock-local-election> [Accessed 30 August 2016].
- 2 It is important to keep in mind that survey research is not an exact science and that all results have to be evaluated within the margin of error, determined by sample size, response rate and sampling methodology used. In addition, survey research is only considered a true reflection of the situation on the ground at the time of the survey. This also has to be kept in mind when evaluating results.
- 3 Ipsos South Africa has been conducting public opinion studies for a number of years. Ipsos (an international research company) acquired Markinor (a

well-known South African research company) in 2007. Markinor has been doing public opinion research since 1976. After the Ipsos takeover, Public Affairs became one of the specialisation areas for Ipsos South Africa and the company undertakes public opinion research on a continuous basis. The flagship project, Pulse of the People™, is carried on the Ipsos Khayabus twice a year. Ipsos. 2016. Khayabus W2 2016 Total Collated Tables. Johannesburg: Unpublished report; Ipsos. 2016. Socio-political trends. Johannesburg: Unpublished report.

- 4 Electoral Commission of South Africa, 2016. Available at <http://www.elections.org.za/content/default.aspx/> [Accessed 24 August 2016].
- 5 Sniderman, P.M. and Bullock, J., 2004. A consistency theory of public opinion and political choice: The hypothesis of menu dependence. In Saris, W.E. and Sniderman, P.M (eds.) *Studies in public opinion*. Princeton, NJ: Princeton University Press, p. 338, p. 346.
- 6 Ibid., p. 346.
- 7 Harris, M. and Slade, K., 2014. Ipsos pre-election projections on the mark. 12 May 2014. Johannesburg: Ipsos, Public Affairs.
- 8 Harris, M. and Slade, K., 2016. Ipsos pre-election forecasting on the mark nationally. 15 August 2016. Johannesburg: Ipsos, Public Affairs.
- 9 On this graph, the May 2013 result looks strange, as nobody indicated on their 'ballot papers' that they 'don't know'. It is necessary to make the point that the change from a paper-based questionnaire (PAPI) to a computer-based questionnaire (CAPI) was made in May 2013 and the options on the ballot paper used then did not provide for a 'don't know' answer. Thus respondents had to make a choice. This issue was rectified in the next survey.
- 10 The question is: 'Please indicate which party you would vote for if there were [national/provincial/local] elections tomorrow'.
- 11 This Flash Poll was undertaken as a result of speculation in the media about 'state capture' and reports about the influence of the Gupta family regarding the choice of ministers. This was an effort to measure the view of South Africans in a very uncertain time.
- 12 In the Flash Poll a total of 500 CATI interviews were conducted with randomly selected adult South Africans – using mobile phones. A process called Random Digit Dialling (RDD) was used to ensure that interviewers had no influence on the choice of respondents. The incidence of mobile phones in South Africa is 92 per cent (2016). Trained CATI fieldworkers from all population groups were responsible for conducting the interviews, which took place from Friday 18 March to Sunday 20 March 2016. Interviews were conducted with respondents from all over the country, although the incidence of people having access to mobile phones is lower in rural areas. All results were collated and analysed in an aggregate format to protect the identity and confidentiality of respondents.

The sample error for the sample as a whole at a 95 per cent confidence level is a maximum of 4.38 per cent.

- 13 The projects for eNCA were undertaken in the eight weeks prior to the Local Government Elections in 2016. A panel of about 3,000 individuals were recruited using Random Digit Dialling, representative of eligible voters in Johannesburg, Tshwane and Nelson Mandela Bay. Each week, at least 1 500 of them were re-contacted for a five minute interview. All interviews were conducted using CATI. A representative sample of residents of the three metropolitan areas who have access to mobile phones were interviewed. Interviews were conducted on the Monday and Tuesday of each week, data processing happened on the Wednesday and results were published on the Thursday. The purpose of these studies was to: measure the political climate in the country during the pre-election period; measure the influence of campaigning and things that happened during this period; and contribute to the political discourse in the country.
- 14 Insight was gained from eight focus groups discussions that were conducted in Johannesburg, Tshwane, Durban, Buffalo City and Port Elizabeth.
- 15 It is important to keep in mind that the aim of focus group discussions is to explore the depth and scope of views and opinions. The findings are neither representative of the broader population in the cities, nor do they provide conclusive evidence of all existing views.
- 16 In 2011, 13 664 914 voters turned out to vote. In 2016, 15 296 759 people voted.
- 17 Leeper, T.J. and Slothuus, R., 2014. Political Parties, Motivated Reasoning, and Public Opinion Formation. *Advances in Political Psychology*, 35, pp. 129-156.
- 18 Here, the first question on issues to be addressed was an open-ended question. Respondents were then asked to choose the one thing that they would like to see addressed first.

Securing Their Future

Using Election Campaigns to Safeguard the Party System

Heather A. Thuynsma

INTRODUCTION

Democracy and the party system that underpins the process should offer the electorate a genuine choice that will ultimately help voters hold their representatives accountable. Indeed, the system should provide a menu of different parties with different policy platforms, different styles of leadership, different ideologies, and different ways to respond to voters' needs and desires.

Political commentators and scholars¹ blame the African National Congress' (ANC) electoral dominance in South Africa on a party system based on partisanship and identity² and the declining voter turnout in recent election cycles.³ However, the South African political context is changing and whether the party system is capable of supporting the country's democracy depends on how well the various parties are able to adapt and change their campaigns.

Parties, especially the ruling ANC, have lulled themselves into a false sense of comfort over the past 23 years. Many assumed the ANC's political reign would remain uncontested and, to use Jacob Zuma's words, in place 'until Jesus comes'.⁴ However, the political climate shifted substantially in the months leading up to the 2016 local government election cycle. This shift gathered steam with: the rise of the populist opposition party the Economic Freedom Fighters (EFF); the Constitutional Court's ruling concerning the upgrades done to the president's personal homestead in Nkandla; claims of factional battles within the ANC that were confessed to the media;⁵ and the media's persistent enquiry into the Gupta family's influence and its apparent campaign of 'state capture'.⁶

These events altered how voters perceived their government and spurred a vocal desire for a leadership team that responded to the people's problems,

was empathetic to their plight, and was capable of providing suitable solutions that benefited society more broadly – all of which the ANC has traditionally professed to represent.

This chapter argues that South African political parties, and the ANC in particular, use current electoral-linked institutions and campaign conventions to help them secure their dominance, effectively weakening the link between parties and citizens. It outlines how parties dominate the institutions that control the country's political competition, such as the electoral systems, the party finance framework, and each party's ability to access the media. The chapter also assesses how parties use their institutional dominance in conjunction with their understanding of voter behaviour to campaign for public support. It examines: the quality and quantity of the information various parties provided to see how this material and the campaign tactics employed moved voters to turn out on election day; and whether it convinced those voters to support a particular party's cause.

INSTITUTIONAL EFFECTS

Parties dominate the South African political system, because they control the institutions that guide political competition and, therefore, control how voters are mobilised.

To prove this party dominated context, the first part of this chapter examines: how the various electoral systems on the national, provincial and local level shape the way a campaign is managed; how parties control who has access to the electoral ballot – both internally within a party and externally in a public election; how the timing of an election benefits specific political parties; and, how party-based financing controls the campaign effort.

ELECTORAL SYSTEMS

As Chapter 2 outlined, at both the national and provincial level, South Africa is governed by a closed list proportional representation system. At the local level, the system appears to offer more choices, allowing voters to choose representatives from both a list of individual candidates and a list of political parties.

These different electoral systems affect voter choice in two specific ways. First, their purpose is to counter the country's divisive past and make the system more inclusive by ensuring that all parties, regardless of their size, are included in the process – the so-called inter-party dimension. As Dalton and his colleagues⁷ describe, studies prove that the more open the electoral system is – systems that rely on an open list proportional representation system, ballots that allow for a single transferable vote or a primary type selection system – the more likely it is that candidates and their campaigns will control the process. South Africa's particular proportional representation system, on the other hand, places control in the hands of the parties, which is often to the detriment of the nation.⁸

Second, the electoral system also shapes the intra-party level system, effectively securing each party's survival by helping it foster order, loyalty and discipline within the party ranks. Indeed, South African law does not specifically determine how political parties must select and rank candidates on their lists. Instead, parties determine these procedures for themselves, and party leaders often manipulate the process to consolidate their own power base within the party.

In most cases, parties use some type of centralised selection method: the ANC's national branch delegates responsibility to its local branches,⁹ the Democratic Alliance (DA) uses a merit based application system,¹⁰ and the EFF relies on a candidate's popularity and appeal, because they come with high name recognition and a persona (often online) that will be popular amongst its younger constituency. Each selection system helps the respective party mobilise voters, because each system reflects its respective party's values. For instance, the DA's merit-based system underscores its desire to promote accountability and effectiveness (among other qualities) and led the party to choose Herman Mashaba – for his business prowess – to spearhead its campaign in the Johannesburg metropole with both some success and some criticism. The EFF's use of established personalities, on the other hand, helps it counter its financially constrained campaign coffers, allowing the party to forgo the need to promote name recognition in favour of using its more preferred and controversial policy-centred outreach strategy.

The closed list system does, however, have its benefits. As Norris¹¹ and Sadie¹² point out, political parties can make their lists more inclusive by adopting quotas to encourage more diversity amongst their candidates and adding more women and people from other religions and ethnic backgrounds (for example). Despite this, the system does restrict the voter's choice to a slate of candidates pre-selected by the party, which in effect, limits the voter's overall choice. Also, as the 2016 local election cycle showed, the lack

of transparency about how the proportional representation and mayoral lists were developed, sparked a violent response from the ANC's Gauteng and KwaZulu-Natal base, and fuelled speculation that the party was trying to manage its internal divisions by deploying loyal cadres to key areas to consolidate its base support. These violent outbursts also highlighted the party's apparent indifference towards local member concerns and instead favoured a blatant display of protectionist attitudes towards the party's senior leadership.¹³

Ultimately, South Africa's closed list system allows political parties, specifically each party's elite, to control who appears on the party's candidate list and how they are ranked on that list. Each party, therefore, becomes the gatekeeper in charge of recruiting leaders and shaping their language, demeanour and interpretation of events. In doing so, each party's elite essentially regulates access to political office.¹⁴

The ruling party, under South Africa's parliamentary system, also controls when an election is called and, technically, when election campaigns can begin. South African electoral law merely states the period within which an election must take place¹⁵ and the ANC has, in the past, used this rule for tactical reasons. Most recently, the ruling party found reason to delay the 2016 poll to ride out the tricky political storm following the Constitutional Court's Nkandla ruling and a divisive battle at the provincial level in the key province of KwaZulu-Natal.¹⁶ The delay bought the ANC time to marshal its broader campaign force. It also limited the time opposition parties had to make their case to voters – a clear benefit for the ruling party.

CONTROLLING PARTY FINANCE

How parties finance themselves and the political campaigns they run at election time is another feature that effects the link between parties and citizens. As nefarious as it sounds, money makes politics possible and helps a party maintain its grip on who represents it on the ballot, its communication tactics, and even to whom it will dispense patronage payback.

Campaigns, even the local government ones, have become expensive national endeavours. The ANC quoted a figure of R1 billion, the DA something in the order of R350 million, the Inkatha Freedom Party (IFP) in the region of R20 million, and the United Democratic Movement (UDM) not more than R4 million to cover their 2016 efforts.¹⁷ The ANC's spend alone outstrips the R429 million the party is reported to have spent on its 2014 national

and provincial election cycle.¹⁸ Given the ANC's much-publicised decline in membership numbers,¹⁹ and, one would assume, dues, this fuels speculation about where this vast sum of money originated. It also spurs political conspiracists and their claim of corrupt pay-to-play practices.

So how do parties fund their campaign expenditure? Most of it, we suspect, comes from fundraisers – both locally and internationally. However, without any rules to stipulate that parties disclose their non-state or indirect benefactors, this is pure speculation.

That said, there is some sort of state regulated sponsorship available to parties. The Independent Electoral Commission (IEC) dispenses a comparatively minuscule amount of money to parties represented in the National Assembly (NA) and/or in a provincial legislature to help them conduct campaign outreach and civic education programmes; this is done through its Represented Political Parties' Fund.²⁰ To monitor these funds, all parties must account for their expenditure to the IEC. Where money has been spent irregularly, the party is generally asked to repay the irregular expenditure and it may be suspended from receiving further allocations; however, neither recourse is particularly harsh.²¹

Another source of money is the National Parliament, which also gives political parties that are represented at the national level an amount intended for use in constituency work or outreach. According the Parliamentary Monitoring Group's online portal, People's Assembly,²² a total of R243 million was dispensed to parties to establish and manage constituency offices around the country during the 2013/2014 period. The ANC received some R160 million, the DA received R41 million, the Congress of the People (COPE) received R20 million and the IFP received R10 million. However, it is still unclear if political parties have indeed set up these offices – let alone if they have adequately accounted for these monies.²³

Naturally, with all this money flowing through the political and party system, observers are concerned about potential and actual corrupt practices. For this reason, every election cycle sees a recurring tilt at advocating for some sort of campaign finance regulation. Curiously, this is one issue all political parties across the spectrum agree on — none of them wants campaign or party money to be regulated. One would think that the DA and its claim to the 'corruption free' moral high ground would embrace such a notion, however rudimentary the regulations may be at first. However, it does not. In fact, all parties flatly reject the idea of disclosing their donors or their expenditure. Apparently, taking money out of the current system is harder now that parties have a taste of its power possibilities.

One should note that not all parties deliberately set out to evade fiscal accountability. It is distinctly possible that smaller parties do not have the bookkeeping capacity to monitor and report on these state subsidies. As a result, these subsidies can be (and often are) co-mingled with other party funds – a tangle that usually requires extensive and expensive expertise to unravel, which most parties cannot afford.²⁴

Needless to say, whereas most democracies rely on what Dalton et al²⁵ call a ‘light-touch regulatory regime’ to provide the illusion of transparency and accountability, South Africa’s only solace is that it has a marginally (at best) state funded support system. Indeed, political parties control the purse strings and seem intent on tightening their grip.

This inability to stem the flow or at least the source of party funding directly effects how parties fulfil their primary function – connecting citizens to the state. Given the fact that they clearly dominate South Africa’s proportional system, their reticence also implies that parties see themselves as being accountable to no one but, well themselves. Such a veil requires that parties take responsibility, but it simultaneously removes a vital fact voters could otherwise use to help them make more informed choices come election time. Using their vast financial and institutional resources, parties are determined to continue to control the discourse of election cycles.

MEDIA ACCESS

Another hallmark of a country’s party system is its ability to get voters to vote on election day and to persuade them to vote for a particular party when they enter the voting booth. Since political parties are the key campaign communicators, they need to mobilise voters by communicating their image and policies to the broader voting public, while simultaneously debunking their critics.

One obvious avenue open to them is to use the media, which parties, and in particular the ruling ANC, is able to guide. Indeed, there are several benefits to being the party in government. Besides gaining the lion’s share of state funding, and being able to raise unlimited funds from local and international fundraising events, the ruling party is also able to access the communication budgets of the various provinces, municipalities and national-level government departments it controls – and so conveniently schedule and publicise service delivery projects at election time.²⁶

In addition, there is a symbiotic relationship between parties and the media. The media needs news to feed its newscasts and advertising slots, while parties need the media to cover their events and candidates, and to help them broadcast the party brand and narrative. However, as Dalton et al. show, parties have successfully entrenched their distinctive narrative over the years, by regulating how the media cover an election. For instance, South African law allows the press to cover high-profile TV town hall style debates²⁷ and guarantees parties free airtime, or Party Elections Broadcast minutes, for campaign advertising on the public broadcaster. This is, however, only available after the election date has been announced. These rules are the most common form of in-kind support provided to political parties. As Nassmacher points out, free advertising is virtually the same as providing state funding, because it allows parties to save crucial campaign capital, which most smaller parties like the EFF do not have.²⁸ Of course this assumes that political parties can afford to produce appropriate adverts in the first place.

It should also be mentioned that the media is often accused of partisan bias, or what Mijeong Baek termed ‘media-press parallelism’.²⁹ The SABC, whose operating budget is guaranteed by the state and supplemented by state mandated license fees, and whose governing board the party in government nominates, is one such example. Its coverage perspective is to sympathise with the party in government’s (and, by implication, the ANC) interpretation; its recent attempt not to cover violent election and service delivery protests is a clear example of where its sympathies lie.³⁰

There is another downside to this type of in-kind financing. Should the media owners wish, they can take a political party’s advert to Independent Communications Authority of South Africa (ICASA) to have its content vetted before it is aired. Ahead of the 2014 election for example, the SABC referred an advert from the EFF to ICASA, which subsequently ruled against it being aired, citing the advert’s inappropriate content. According to Paseka Maleka, spokesperson for ICASA, the EFF’s advert, ‘may be perceived as condoning or lending support to unlawful acts, in that it talks about destroying e-tolls, which could be perceived as damage to property’.³¹ During the same period, the SABC pulled at least one advert from the DA, entitled ‘Ayisifani’, and five radio adverts, because they purportedly incited violence against police, constituted a personal attack on President Zuma and contravened the Advertising Standards Authority’s (ASA) code of conduct. The DA appealed the ruling to ICASA and the SABC eventually ran the adverts.³² Apparently, as the state gives, it is, therefore, also able to withhold its in-kind support.

Thankfully, South Africa's party system also allows privately owned and operated media outlets – both online and offline – to operate. However, this also means that these private entities are able to exercise similar control over their coverage and the perspective they wish to support. If the SABC adopts an attitude that favours the party in government, then private media houses, which are mostly owned by white business interests, seem to favour parties in opposition. The exception to this seems to be the New Age Media group owned by the India-based Gupta family conglomerate. The New Age newspaper and its satellite news channel, ANN7, have seemingly adopted an editorial policy that supports the ANC and its successes, whereas outlets under the Independent News and free and paid eTV channels, for instance, highlight issues raised by opposition parties, particularly the DA and the EFF.

One challenge to the party system's dominance is the South African media's more prominent role in evaluating candidates, platforms and party activity – although not to the extent that we see in, for example, the US. The 2016 election cycle saw the first series of weekly public opinion polls commissioned by a news corporation, the satellite news channel eNCA. These opinion polls profiled voters' attitudes towards political parties over a six-week period and measured the weekly effect of, among other events, the candidate selection disputes in the Tshwane and Nelson Mandela Bay municipalities.³³ Such a move is a clear attempt to offer the electorate more information than simply reporting on news conferences and celebrity laden rallies.

However, to retain their control over the information cycle political parties can pay for their own media – both big and small. The better-financed parties can afford to buy advertising on television and radio and often during peak viewing times. On the other end of the budgetary scale, and perhaps most convenient for smaller political parties, are the customary highway billboards, posters, flyers, and community-based radio stations, each of which target a different demographic and issues-based audience.

CAMPAIGN TACTICS TO MOVE AND MOTIVATE VOTERS

Political party control of the system ultimately relies on how well parties can mobilise and persuade voters to participate in elections. While these are conceptually distinct practices, they do overlap³⁴ to produce higher turnout numbers on election day, if successful.

Indeed, simply comparing turnout percentages in election cycles can help observers determine the success of a party's mobilising campaign. Also, as other chapters in this book have detailed,³⁵ these turnout percentages do show how well South African parties have been able to motivate their respective bases of support.

The second option, and the option which adds colour to the raw statistical data, is to look at each party's political campaigns – their strategies, tactics and responses to a shifting context – to see how their messages were interpreted and whether they influenced voters. To do that, we will look at what influences voting behaviour in South Africa and at how voters align themselves according to their predispositions and the information that is available to them. There are two ways to measure how successful parties perform their mobilisation and persuasion functions: first, establish why voters choose to participate in the system in the first place; and second, examine the tactics parties use to connect with prospective voters and persuade them to support their specific concerns.

TARGETING

Most party organisations go to great lengths to identify potential voters and to understand what will mobilise them to turn out to vote. Over the past several cycles, the US has seen the advent of micro-targeting – a data collection effort that helps develop databases of voters who fit certain issue profiles. Parties use this information to help them develop and communicate specifically targeted messages that have the maximum chance of persuading voters to support their cause.

The idea of targeting, or aggregating voter perceptions, was inspired by a study conducted by Sydney Verba, Kay Schulman and Henry Brady. Verba et al.³⁶ found that voters feel compelled to vote based on several key psychological factors, not the least of which is the voter's psychological identification with a party. These partisan voters are usually steadfast supporters and turn out for their party at rallies and on polling day. Partisans also use their affiliation to help them interpret events when information is limited. Over the years, campaigns have evolved into strategic initiatives that carefully map out a party's base voters and profile their needs before launching a series of tactical manoeuvres aimed at persuading these voters to turn out and support the party. For the past 20 years, the South African voter base has also been largely partisan-based³⁷ and this too influences

a party's campaign strategy and tactics because, ultimately, partisanship affects whether people feel they need to turn out to vote.

As in other countries, South Africa's political parties have spent most of their time focused on turning out their respective base group of supporters, rather than broadening their party's appeal to attract new supporters. As Karp and Banducci suggest 'parties in polarised systems may follow a more targeted strategy by contacting only their own supporters in order to mobilise them to participate'.³⁸ Broadly speaking, South African party support is drawn along racial and other demographic lines:³⁹ the ANC mobilises supporters who are traditionally black, rural and older; the DA rallies supporters who are generally white and coloured and live in urban areas; the EFF attracts mostly younger black voters.⁴⁰ Indeed, the ANC has relied on its partisan base to renew its electoral mandate and its tactics have sought to bolster that effort. The party has routinely held expensive rallies featuring celebrity guests, used billboard advertising extensively, and spent a small fortune on campaign paraphernalia and merchandising. In the past, these tactics proved very successful, given the electoral support the ANC enjoyed. Likewise, the DA focuses its slick corporate brand and extensive logistic machinery to target its white and coloured base and their need for efficiency and accountability. However, neither of these parties has managed to target independent or non-partisan voters with their messaging or tactics.

The EFF is the exception, because, as a new party, it needs to develop its own base of partisan supporters. This means it has to entice voters away from other more established parties (such as the ANC, DA, IFP and COPE) by concentrating on uncorking the simmering discontent amongst the youth with grassroots rhetoric and a social media approach to campaigning.

Another key factor that parties need to consider is South Africa's changing demographics. Specifically, the more established parties need to appreciate how these changes will affect a voter's decision to participate in elections – especially since a potential drop in election turnout will inevitably alter the hegemony that these political parties currently enjoy.

TURNOUT

The level of turnout in recent years has been linked to the mobilisation efforts of political parties. In 2016, although the overall turnout figure rose slightly, preliminary statistics indicate that this is because the DA did a better job of cajoling its urban base in key metropolises to turn out, rather

than the party attracting new voters from other parties.⁴¹ If we follow this logic, then the ANC apparently limited its own success by not concentrating on mobilising its base – raising the possibility that perhaps the party took its traditional partisan support for granted.

Over the past 23 years, turnout in South Africa has been declining,⁴² albeit not at the same rate as in other countries. Nevertheless, parties are understandably concerned that this decline in turnout relates to a waning interest in politics and motivation for citizens to go to the polls. While this is a valid concern, there are a few other factors that merit mention.

First, as the global population grows, so too does the proportion of younger voters.⁴³ This would seem to offer a boon to the EFF, but younger voters, traditionally, do not turn out to vote as reliably as their parents or grandparents. Researchers blame this trend on the declining number of youth who read newspapers, a weaker sense of civic duty (especially given that they are so far removed from the apartheid era and its oppression), and lower levels of 'voter initiation'.⁴⁴

The decline in voter turnout also corresponds to a rise in partisan de-alignment – the declining number of voters who are paid members and die-hard supporters of a political party. Partisan de-alignment, which is also a global trend, is motivated by a variety of factors, including that voters often feel alienated from political parties, which is often measured in survey research parlance as parties 'do not represent my interests'.⁴⁵

As other authors in this book have pointed out, voters are also becoming more sceptical of the government and its ability to deliver, effectively fuelling feelings of alienation. Other studies⁴⁶ have cited lower levels of education and affluence for the decline in voter participation – specifically, voters being able to comply with the rules that will enable them to register to vote. For instance, having access to a valid barcoded identity document requires visiting a Department of Home Affairs office that is often not located nearby and requires both a financial investment to travel to the closest office and the ability to navigate a complex bureaucratic process.

Ultimately, partisan de-alignment provokes unpredictability within the party system – something political parties, and especially the more established ones, do not appreciate. This unpredictability has manifested in the range of often-violent protests in recent years,⁴⁷ which threatens the hegemonic control that the ANC, in particular, wishes to maintain.

Given their mobilisation and persuasion goals, has this partisan de-alignment trend affected the way political parties choose campaign issues and messaging? Are opposition parties on the cusp of breaking lingering partisan loyalty and threatening the ANC's electoral dominance?

POLITICAL CAMPAIGNS: USING DATA AND MESSAGING TO MANOEUVRE SUPPORT

Political campaigns are essentially a series of strategically timed events and advertising opportunities that generally help a party connect to the electorate. If marketing is about selling a product, then communication is about creating a tangible connection to a person. A successful campaign is a communication effort that aims to forge a connection between the party and the citizens.

At a minimum, political campaigns should draw the voter's attention. The really good ones, though, are able to pique a voter's interest and provoke them into reviewing a party's issue positions, resist their predisposed attachments, and help them decide if they want to vote at all.⁴⁸ To this end, electoral history and demographic targeting is only one half of the data a campaign needs to plot a successful election strategy. The other half comes from understanding the electorate's key issues and the more nuanced ways that voters process the options presented to them.

As a first step, each campaign developed their party's policy agenda – one that raised key issues the party thought voters cared about and illustrated how the party would use its particular ideology to serve and protect these voters. These plans were, as per the norm, outlined in each campaign's manifesto.

Generally present in the ANC, DA, and EFF's 2016 manifestos were issues such as:

- job creation – South Africa's unemployment rate was in the region of 26.6 per cent in the first quarter of 2016,⁴⁹ implying that any proposals around this topic specifically targeted the unemployed;
- building a receptive and caring government along with access to housing and essential health care hoped to attract mothers, young families and senior citizens;
- community support programmes appear to have targeted rural communities that would prefer to see greater infrastructure development and improved market access; and
- providing adequate facilities for children and the youth and ensuring that general service delivery explanations were aimed at motivating parents and recent school-leavers.

These were all stock issues that have appeared in previous election manifestos and have been discussed in varying degrees of detail. They are also part of the 'short-cuts' Popkin⁵⁰ studied, because parties have committed vast resources to forging a link between themselves and these key issues. Over the years, the ANC, for example, has honed its struggle legacy, while the DA spent the months prior to the 2016 elections tying itself to the plight of 6 million young unemployed South Africans. The EFF, on the other hand, uniquely associated its red berets with the question of land and calling out the government on corruption.

However, equally revealing were the issues parties paid passing and often specious attention to. The ANC glossed over the idea of entrenching technology and innovation, simply stating that they would try to extend broadband access. The party was also silent on the issue of expanding public transport services and cleaning up public spaces. All three issues are of particular interest to the youth, a key demographic that did not turn out for the ANC on election day. For its part, the DA barely addressed the issue of social cohesion, which effectively allowed the ANC to attack the party for its racist roots and to reinforce many black voters' predispositions. However, the DA did emphasise plans to strengthen law enforcement and disaster management, revealing the desires of its largely white and coloured base of support. The EFF, which relies on the youth and disaffected supporters from other parties, spent much of its time showcasing its plans to improve general service delivery and outlining (in extraordinary detail) the duties it expects its councillors to perform.⁵¹

Clearly, political parties, especially the ANC, have become very comfortable with their institutional dominance, which is why they have simply sought to recycle issues in their campaign manifestos, while essentially ignoring public opinion polls and the will of the voters.⁵² Much of its campaign focused on promoting liberation credentials (while shying away from talk of corruption) and discussing substantive solutions to specific service delivery problems like housing, water, crime, etc.

Technology and the changing electorate mean that, going forward, campaigns need to aggregate the issues that interest voters rather than, as they have done in the past, drive the process from their own assumptions. This process should be dynamic, with parties paying attention to public opinion before taking a position and then adjusting that position based on public response. The eNCA tracking polls produced in 2016 showed that parties did exactly the opposite. Here the ANC, for example, did not hear what the electorate thought of their candidate lists or their issues, and instead chose

to push a 'struggle narrative'. It was a strategy that clearly did not yield the results that the party hoped.

This was because voters process a campaign's message using two interacting forces: their predisposition (either strong or weak); and available information (conveyed through the media, campaign, etc.). This interaction determines whether voters react to the information provided or use it to reinforce their current predispositions.⁵³ As we have established, South African voters are predisposed to identifying with a particular party and therefore tend to agree with the party's interpretation of events. However, when something causes them to question the party and its motivations, then these partisans tend to choose not to vote.

Therefore, South African parties need to develop campaign messaging for two different, yet related, groups. They need: messages that echo long-term partisan sentiments – for the ANC its struggle history is an obvious trigger; but they also need to formulate messages that unpack shorter-term issues, such as the economy, public policies, candidate records and general service delivery, for voters not predisposed to support a specific party. The ANC's 1994 simple but compelling 'A Better Life For All' campaign, for example, implied an end to discrimination and offered voters of all stripes hope for a brighter future, with access to housing, education, and economic opportunities. That campaign used the slogan to speak to a number of long and short-term issues and helped the party attract a broad base of support. This is in sharp contrast to the cumbersome 2016 slogan 'Together advancing people's power in every community', which did invoke a common liberation theme with the words 'people's power', but which was too convoluted to rally support outside of its own base and lacked credibility in certain areas, specifically in DA-run Cape Town.⁵⁴

The DA, EFF and other opposition parties are tasked with an even tougher challenge. In order to make electoral gains, they must find and appeal to disaffected voters, which means their campaigns must first create a sense of dissatisfaction and then embed that unhappiness in the voter's mind, before converting that unhappiness into support for their own platform. These disaffected voters, or swing voters, prefer to focus their attention on short-term issues, such as the state of the economy, and look retrospectively at the general performance of the incumbent party⁵⁵ and at its leaders, who, depending on their characteristics, may dissuade swing voters from turning out.

To this end, the DA has used its recent election campaigns to question the ANC's record of accountability and service delivery, by implying that voters should question whether their lives had improved since the last time

they voted. Had the campaigns been successful, then voters would have sought to blame the ruling party for their diminished circumstances and punished it for the country's woes. The DA's 2016 campaign tried to target disaffected voters with a similar ploy, highlighting high unemployment figures, corruption, and even (jarringly) including Nelson Mandela's vision in their mandate.⁵⁶ Unfortunately, this campaign was as convoluted as the ANC's and did little to attract new supporters. It did manage to inspire its base with its nondescript 'Change' theme and it did manage to tailor its slogans to specific audiences, for instance: 'Vote DA to keep making progress' in Cape Town where it was already in power; and 'For change that creates jobs' in Johannesburg, where unemployment is rising. However, despite being the ruling party in the Western Cape, they did not tout their own governing credentials. Instead, the campaign spent more time talking about the ANC and not about themselves and what they were offering. This proved a successful tactic in turning out their base voters, but it did nothing to assuage the fears of fencing-sitting ANC voters. In fact, it left the door open for the ANC to label the DA as a party that would, if elected, return South Africa to its racist apartheid past. As Jacob Zuma derisively reminded voters in Limpopo province, the DA is the 'child of the National Party and a snake' seeking to 'oppress black people and bite the ANC'.⁵⁷ While obviously flawed, the DA should recognise that their strategy may well have helped depress turnout from the ANC's base.

To mitigate this racist narrative in future elections, the DA would do well to spend more time pitching a prospective choice to voters, by helping them evaluate key issues and asking them to see whose approach is more plausible. They will also need to pitch this in a way that resonates with voters on an emotional level, instead of designing a pitch that is purely factual and based on statistics.

In order to maximise impact, campaigns usually comprise a variety of tactics to complement the targeted messaging. For example, following the Butler and Ranney⁵⁸ categories, old style tactics include: circulating written documents, door-to-door canvassing by party volunteers and leaders, holding public meetings at which leaders and candidates speak, using billboards, posters and newspaper advertisements to reinforce party appeal, and door-knocking on election day to pull supporters to the polls. Despite the human and financial cost, most South African parties still consider these tactics the bedrock of their campaigns, because they appeal to base partisan supporters.

Indeed, the ANC, as already mentioned, relies almost exclusively on these tactics. However, with information more readily available, especially

in urban areas, the change in society's demographics, and the results of the 2016 election cycle, the party's dependence on these traditional ploys might be misplaced. If they are to maintain their electoral majority in future cycles, the ANC will need to learn to exploit new avenues and technologies.

Technology and the exponential growth of the internet, mobile phones and social media platforms have also helped parties mobilise support. The DA, in particular, has made good use of text messaging and social media platforms like WhatsApp and WeChat to help it register and turnout its base voters in its targeted urban areas. They have also paired these online approaches with some off-line opinion commentary and interviews in local and community newspapers. The EFF has also embraced APP technology, live tweeting, and using Facebook posts to spur on its comparatively younger base of supporters. Coupled with its defiant rhetoric and protest action (in Parliament and on the streets), this appeals to its generally poorer black voter base.

Actually, despite the increasing number of new technologies, Donald Green and Alan Gerber⁵⁹ note that interpersonal contact between a voter and a party or its leaders is still the most persuasive tactic. This is perhaps why the leaders of each political party figured so prominently in each election campaign. However, perhaps the ANC erred when it decided to include President Jacob Zuma as the party's face on posters and in their advertising spots, given his beleaguered media profile, the Nkandla scandal and persistent corruption allegations. In fact, a recent Ipsos poll showed that Zuma's popularity rating at the time was lower than the much-vilified national power supplier, Eskom.⁶⁰

The more established parties, such as the ANC, DA, IFP and COPE, use their control of the media to target their traditional base voters. They pursue this course at the expense of recruiting voters who are reconsidering their familial partisan bonds and therefore, in effect, open the door for the EFF to diversify its electoral support. As a result, the EFF is promoting issues that tap into the general unhappiness that exists among the electorate and which has been stirred by the DA's recent series of election campaigns. While all parties need voters to turn out to guarantee their dominance, the more established parties risk losing out because they are unable (for whatever reason) to appeal to those who are disaffected. This gives the EFF an opportunity to increase its electoral support and shift the balance of influence within the party dominated system.

CONCLUSION

While campaigns do influence voter preference, it is difficult to determine the exact extent for two reasons. First, the effects of most campaign events are very small. As Wlezien⁶¹ points out, for all the money and effort spent on buying advertising, getting soundbites on nightly news casts, delivering campaign speeches, and even hosting rallies, these all seem to provide diminishing returns. Second, our ability to detect campaign effects is still limited. Campaign professionals still rely on tracking polls, which, although useful snapshots in time, are also not perfect measures.⁶²

This chapter chose to question if parties do in fact dominate the electoral-linked institutions, and, if they do, if they are able to use their dominance to provide suitable interpretations of the current political, economic and social climate, in order to spur electoral turnout and support for their cause.

The assessment highlighted how South African parties, and particularly the ANC, have become ensconced in their dominance and simply recycled their campaign issues and tactics, while emphasising traditional methods to mobilise partisan support, such as mass political rallies, posters, the usual campaign paraphernalia, and an expensive TV advertising campaign. It also detailed the potential pitfalls of such an approach, showing how the ANC miscalculated the needs of the party's base and ignored symptoms that showed the unhappiness that the base was feeling about the party's governing performance. Instead of offering voters a new choice, the party offered up more of the same, which is perhaps why the ANC's base supporters stayed at home, effectively providing opposition parties with a chance to prove themselves.

Campaigning has changed significantly in recent years, thanks to the rise of the internet and social media. Parties must adapt to these shifts because voters can now receive information and communicate with each other, their government and the party simultaneously and very publicly. Often, combining old tactics with new technology can produce an even more effective connection to voters – Obama's 2008 campaign exemplified this approach.

Given the 2016 campaigns, it would appear that the connection between parties and their citizens is weakening. Clearly, to secure their future, parties will need to change their approach to electoral institutions and focus on campaigns that communicate with the electorate and forge a closer, more dynamic connection between the two entities.

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Political Parties and Their Capacity to Provide Parliamentary Oversight

Danwood M Chirwa and Phindile Ntliziywana

INTRODUCTION

Despite ushering in new innovations, such as the principle of constitutional supremacy and Chapter 9 institutions, South Africa's constitutional democracy is still anchored in the traditional Lockean idea of separation of powers.¹ The principle of separation of powers simultaneously allocates distinct powers to each arm of government – the executive, the judiciary, and the legislature – and allows each arm to exercise some form of oversight over the other arms. Of the three arms of government, the executive is potentially the most dangerous to citizens. This branch of government has enormous public power: it is in charge of the coercive resources of the state, such as the police and the military, and has wide powers to devise and implement policies, to enforce the law, to raise government revenue, and to spend public funds.² To ensure that these powers are exercised fairly and properly, suitable and effective accountability and oversight mechanisms must be put in place. Parliamentary oversight is one such important mechanism.

In the South African context, the legislature is in a unique position to hold the executive accountable. Firstly, the legislature elects the president, who in turn forms the government. In a way, then, the legislature has more democratic legitimacy than the executive. Secondly, and related to the first point, the legislature passes the laws that the executive is expected to implement. This creates a relationship of accountability. Parliamentary oversight and accountability help to ensure that the executive implements the law according to the legislature's intent and the dictates of the Constitution. Through this oversight and accountability relationship, the legislature is able to keep control of the laws that it passes, to promote the constitutional values of accountability and good governance, and to draw on the

experience of law implementation for future law making. Therefore, oversight and accountability form part of the central tenets of our democracy.³

This chapter summarises the formal structure of the parliamentary oversight system and critically reviews how this structure has functioned in the context of a one-party dominated parliament. In particular, we use the Constitutional Court judgment in *Economic Freedom Fighters and Democratic Alliance v Speaker of the National Assembly and Others*⁴ (Nkandla case) to tease out some of the challenges that the proportional representation (PR) electoral system presents for effective parliamentary oversight. Although the notion of parliamentary oversight has application at all three levels of government, this chapter focuses largely on the national level.

BRIEF HISTORICAL OVERVIEW

Before 1994, there was neither an inclusive democratic government nor a legitimate parliament in South Africa – both parliament and the executive lacked democratic legitimacy and were largely unaccountable.⁵ Under the apartheid government, parliamentary committees⁶ held their hearings in secret, had limited power and existed essentially to ‘rubber-stamp’ legislation put forward by the National Party (NP) government.⁷ In the words of Saki Macozoma, former chairperson of the Portfolio Committee on Communications: ‘The most shocking thing we found when we got here was [that] Parliament has no computerisation of any kind to talk about, has no secretarial support, no research support ...’.⁸

The new democratic parliament, established after the 1994 elections, had to start from scratch, using best international democratic practices as its departure point.⁹ One of the first steps taken after 1994 was to open parliamentary committee proceedings to the public and the press. It was only in 1996, when the new Constitution was adopted, that a comprehensive blueprint outlining how parliament could hold the executive to account was approved. With this blueprint in place, parliamentary committees quickly became the ‘engine room’ of the South African parliament: they are responsible for drafting legislation, examining and revising the proposals submitted to them by the executive, and for holding cabinet ministers and their departmental chiefs responsible for the manner in which they exercise their executive powers.¹⁰

PARLIAMENTARY OVERSIGHT AND THE SEPARATION OF POWERS

The notion of parliamentary oversight is rooted in the separation of powers – a political and constitutional device long used to tame the menace of public power. The separation of powers evolved as a solution to the danger of concentrating power in one person, office or institution.¹¹ In its traditional form, the separation of powers doctrine recommended splitting public power into legislative, judicial and executive powers, and vesting them in separate organs of state, which, in turn, were to be run by separate personnel. It was believed that the creation of three separate organs of state would result in power equilibrium and consequently reduce the possibility of one branch of government enjoying total hegemony and becoming a threat to individual liberty.¹² Over the years, states have adopted and implemented a less pure model of the separation of powers, in part following Madison's insight that 'the complete separation between legislature, executive and judiciary was neither possible nor desirable'.¹³ According to Madison, the separation of powers was needed to incorporate checks and balances in the three arms of government in order to counter any potential abuse of power.¹⁴

Like those of the United Kingdom and the United States, the South African Constitution does not recognise a complete separation of powers. Consequently, while it allocates distinct primary powers to the executive, legislature and judiciary,¹⁵ it allows for some measure of overlap in the powers that each branch exercises and makes provision for checks and balances. Like the United Kingdom, South Africa has a parliamentary system of government in which parliament – not the people – elects its president or head of government. South Africa is, however, different from the United Kingdom, in that its Members of Parliament (MPs) are not elected directly in single member districts or constituencies. Instead, the electorate vote for political parties, who compile lists of representatives and determine where each representative will be deployed.¹⁶ Since prospective MPs rely on their parties for their election, they do not use their own independent resources and agenda to increase their chances of election. Where they are involved in electoral campaigns, they do so for their respective parties. Whether or not this unique feature of South Africa's political system has a significant impact on parliament's oversight over the executive is what this chapter will investigate.

PARLIAMENTARY OVERSIGHT UNDER THE CONSTITUTION

Traditionally, the legislature is tasked with enacting laws and making financial appropriations for the government. The South African Constitution recognises these functions in sections 55 (1) and 77. In this chapter, we call these the ‘primary functions of the legislature’. In addition, section 55(2) of the Constitution recognises accountability and oversight as distinct functions of the National Assembly (NA). It provides:

The NA must provide for mechanisms –

- a. to ensure that all executive organs of state in the national sphere of government are accountable to it; and
- b. to maintain oversight of –
 - i. the exercise of national executive authority, including the implementation of legislation; and
 - ii. any organ of state.

Clearly, the duty of the NA to hold all executive organs of state accountable applies only to the national sphere of government.¹⁷ According to Corder et al., this is a minimum responsibility that the NA has to discharge.¹⁸ By contrast, the responsibility to oversee the national exercise of executive authority is a more general and flexible duty of the NA that extends over the whole executive bureaucracy: it is not limited to holding the leadership of the executive to account. It extends to monitoring how national executive authority is implemented.¹⁹ In this chapter, we call the oversight and accountability functions of the NA secondary legislative functions. While their mechanisms are unique, these accountability and oversight functions are shared with other state institutions, such as the judiciary and Chapter 9 institutions. We also treat accountability and oversight as being interchangeable, partly because the mechanisms for these functions have not been distinguished, and partly to avoid repetition.

In practice, there is significant overlap between the primary and secondary functions of the legislature. For example, when the NA is performing its primary functions, it simultaneously carries out its oversight and accountability functions. The power to enact laws and approve the budget is, in essence, also a check on the executive’s power to make and implement policies and to spend public funds. In the South African constitutional context, policies do not have any effect until they are approved by an Act of Parliament. Neither can the government spend any money outside the appropriations made by the NA. Through the performance of its primary

legislative functions, the executive is subjected to two levels of accountability: first, parliamentary scrutiny, which allows the public to participate in the process; and second, judicial scrutiny, whereby the Constitutional Court inquires into the constitutionality of the laws enacted by Parliament.

The NA's accountability and oversight functions can also be broken down into primary and secondary functions. Primary oversight functions are those functions that the NA exercises as part of its own constitutional functions. Secondary oversight functions are those functions that the NA exercises to support the oversight functions of other constitutional bodies empowered to hold the executive accountable. One of the unique features of the South African Constitution is the inclusion of a raft of independent institutions (sometimes referred to as state institutions supporting constitutional democracy) that were designed to hold executive power in check – the so-called 'Chapter 9 institutions'.²⁰ They include the offices of: the Public Protector; the Auditor General; the South African Human Rights Commission; the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; the Commission for Gender Equality; and the Electoral Commission. These independent state institutions, headed by professionals, supplement the separation of powers concept, by adding what may be called a 'fourth arm of the state' to act as an additional accountability mechanism. These institutions perform a wide range of functions, ranging from advisory and promotional to investigative and other protective functions.²¹ However, they lack coercive power of the kind associated with the judiciary. Chapter 9 institutions also need to account for the exercise of their duties to the public or other state institutions. As a result, section 181(3) of Constitution imposes an obligation on other organs of state to assist and protect these institutions, in order to ensure their effectiveness. In addition, section 181(5) obliges Chapter 9 institutions to account to the NA and to 'report on their activities and the performance of their functions to the Assembly at least once a year'. These provisions were enacted to add the legislature's much needed political weight to the findings of these institutions and to force the executive to respect any proposed remedial action.

ACCOUNTABILITY AND OVERSIGHT MECHANISMS

Unlike in the past, when parliamentary oversight mechanisms were murky and under-developed, since 1994 South Africa has established a wide range of parliamentary oversight and accountability mechanisms. Some of these are expressly required by the Constitution, while others evolved as part of the NA's constitutional responsibility to create such mechanisms.

The Constitution makes provision for two key accountability mechanisms for the president: impeachment and a motion of no confidence. According to section 89, the NA may impeach or remove the president from office on the grounds of serious misconduct, incapacity, or serious violation of the Constitution or the law.²² Since 1994, no South African president has been removed by impeachment. Unlike impeachment, the motion of no confidence procedure does not require proof of any specific reason, although it would normally be triggered by serious dissatisfaction with the president's action or inaction. According to section 102 of the Constitution, a successful motion of no confidence in the president would require the president and his or her cabinet to resign. Only one president – Thabo Mbeki – has been recalled since 1994. While the motion of no confidence was not used to procure his resignation, it is widely believed that the ruling African National Congress (ANC) would have initiated such a motion had he refused to resign.²³ In contrast, opposition parties have tabled more than two motions of no confidence in President Zuma since he came to power in 2009, but he has survived each one.

As for members of Cabinet, the Constitution also creates two main accountability mechanisms. The first, recognised in section 92, is the doctrine of ministerial responsibility. Ministerial responsibility requires ministers to account individually or collectively for the manner in which they have performed their powers. This responsibility is discharged through the provision of 'full and regular reports concerning matters under their control' to Parliament.²⁴ A critical part of ministerial responsibility is the responsibility to resign when an unsatisfactory account has been given or when a minister cannot persuade his or her colleagues to abandon a position that he or she fundamentally disagrees with. South Africa has a poor record of resignations arising from the exercise or enforcement of ministerial responsibility.²⁵ This could be attributed to many factors, including: that sitting presidents are willing to keep ministers who are under-performing, have been involved in a major scandal or have committed a serious act of maladministration; and the absence of pressure from the NA, civil society and the general public.

The second mechanism is again the motion of no confidence. Such a motion might be presented against a minister individually or against all ministers collectively and either together with the president or not.²⁶ This procedure has rarely been used against ministers in South Africa. For example, it was open for the NA to use this procedure against the ministers involved in the Nkandla security upgrades, discussed later in this chapter, but this option was not used. Between December 2011 and July 2012, the Department of Basic Education failed to deliver textbooks to primary schools in Limpopo amid allegations of corruption, mismanagement and maladministration in the province. The Minister of Basic Education was not held individually accountable using this procedure. It is difficult to predict whether proceeding against ministers individually could be more effective than targeting them collectively or targeting the president, given that the success of this procedure depends on the ruling party, which dominates the NA. However, the motion of no confidence has the effect of drawing public attention to the minister concerned and, hence, the potential to affect the standing of that minister in his or her party. Over time, this can have a deterrent effect on inappropriate behaviour by ministers.

In *Lindiwe Mazibuko v Max Sisulu and Mathole Motshekga*,²⁷ the Constitutional Court underlined the significance of the motion of no confidence procedure under section 102 of the Constitution as follows:

The right that flows from section 102(2) is central to the deliberative, multiparty democracy envisioned in the Constitution. It implicates the values of democracy, transparency, accountability and openness. A motion of this kind is perhaps the most important mechanism that may be employed by Parliament to hold the executive to account, and to interrogate executive performance.

In this case, the DA tried to table a motion of no confidence in the president, pursuant to section 102(2) of the Constitution, accusing him of having politicised the judiciary, weakened the economy, and failed to reduce corruption and unemployment. The Speaker introduced the motion for a prior discussion at the Chief Whips' Forum and then the Programme Committee of the NA. As the Programme Committee did not reach consensus on including the motion in the NA's agenda, the Speaker did not schedule the motion at all. The Constitutional Court held that the responsible committee or the NA has a constitutional duty to ensure that a motion of no confidence 'is tabled and voted on without unreasonable delay'.²⁸ This duty holds whenever 'a member of or a political party within the Assembly, acting alone or in concert

with other members of the Assembly, tables a motion of no confidence in terms of section 102(2) in accordance with the Rules'.²⁹

In addition to these office-specific mechanisms, section 56(a) and (b) of the Constitution empowers the NA and its committees to hold hearings and, for that purpose, to summon any person to give evidence or produce documents, to require any person or institution to report to it, and to receive petitions, representations or submissions from any interested persons or institutions. These powers can be and are exercised in relation to any person in the executive branch of government and statutory corporations.

Section 55(2) of the Constitution requires the NA to provide mechanisms, firstly, to ensure the accountability of all executive organs of state in the national sphere of government, and, secondly, to oversee the national executive's authority along with all organs of state. Prominent among these are parliamentary committees, which presently include the portfolio committees, select committees, ad hoc committees, and standing committees.

Portfolio committees are specialised policy committees tailored to specific government departments; they are responsible for the oversight function on those particular departments and for scrutinising and developing legislation relating to that department.³⁰ In the NA, these specialised committees are called portfolio committees and are established to shadow government departments. For each of the current 35 ministries or portfolios there is a portfolio committee.

The National Council of Provinces (NCOP) also has specialised committees that are similar to portfolio committees. However, in the NCOP, these committees are known as select committees. Unlike the NA committees, select committees are not established for each department or portfolio. Instead, they are created for two or more departments or portfolios that form part of a given cluster.

Like the NA, provincial legislatures have portfolio committees that shadow the areas of responsibility of Members of the Executive Council (MECs). However, there is not always one committee per MEC or government department.

In addition, both national and provincial legislatures have temporary committees, known as ad hoc committees. These committees are set up to examine specific matters. For example, there is the Ad hoc Committee on the Pan-African Parliament, the Ad hoc Committee on the General Intelligence Laws Amendment Bill, and the Ad hoc Committee on Report No. 13 by the Public Protector.

Standing committees, like portfolio committees and select committees, are permanent features of Parliament. However, standing committees are

not linked to a particular department. Some standing committees have members from both the NA and the NCOP and these are called joint standing committees, such as the Joint Standing Committee on Defence. Most of the joint standing committees of Parliament are established under s 45(1) of the Constitution, which provides for joint activities of the NA and the NCOP.

Legislative committees perform the bulk of the work of the NA and provincial legislatures. They allow for issues to be debated in more detail than is possible in a full sitting of the legislature. They also present an opportunity for the general public to participate in legislative debates and agendas. Members assigned to legislative committees develop expertise and in-depth knowledge of the field covered by their specific committee. Committees: initiate legislation; consider, debate and propose amendments to existing and proposed legislation from the executive; provide focused oversight of each portfolio of the executive, including monitoring the departments and the statutory bodies they oversee; investigate and make recommendations on the budgets of government departments; hold public hearings and consider public submissions on important bills; consider international treaties and agreements; and investigate any function of the executive and its departments.³¹ Typically, parliamentary committees do not make binding decisions, but only provide recommendations to the legislature.

The plenary chamber remains the key forum for parliamentary oversight of the executive. Plenary debates in the chamber allow MPs to hear from ministers and government representatives on their proposed policies and the implementation of existing policies. In plenary debates, MPs can ask the president and other members of the executive questions or make statements that criticise or praise the government. The regular and effective use of the classic tools such as parliamentary questions, budget votes, member statements and plenary debates, can bring about a culture of accountable and responsive governance – especially when a motion of no confidence can be passed or the opposition has a good chance of forming the next government.

Table 7.1 Political parties and the practice of parliamentary oversight before Nkandla

Term 2 (1999 – 2004)		Term 3 (2004 – 2009)		Term 4 (2009 – 2014)		Term 5 (2014 – 2019)	
Party	Seats	Party	Seats	Party	Seats	Party	Seats
ANC	252 (62.65%)	ANC	266 (66.35%)	ANC	264 (66%)	ANC	249 (62.15%)
NP	82 (20.39%)	DA	38 (9.56%)	DA	67 (16.66%)	DA	89 (22.23%)
IFP	43 (10.54%)	IFP	34 (8.59%)	COPE	30 (7.5%)	EFF	25 (6.35%)
FF	9 (2.17%)	NNP	28 (6.87%)	IFP	18 (4.55%)	IFP	10 (2.40%)
DP	7 (1.73%)	UDM	14 (3.42%)	ID	4 (0.92%)	NFP	6 (1.57%)
PAC	5 (1.25%)	ACDP	6 (1.43%)	UDM	4 (0.85%)	UDM	4 (1 %)
ACDP	–	FF +	3 (0.80%)	FF +	4 (0.83%)	FF +	4 (0.90%)
AMP	–	PAC	3 (0.71%)	ACDP	3 (0.81%)	COPE	3 (0.67%)
UCDP	–	UCDP	3 (0.78%)	UCDP	2 (0.37%)	ACDP	3 (0.57%)
FA	–	FA	2 (0.54%)	PAC	1 (0.27%)	AIC	3 (0.53%)
AEB	–	AEB	1 (0.29%)	MF	1 (0.25%)	AGANG	2 (0.28%)
AZAPO	–	AZAPO	1 (0.17%)	AZAPO	1 (0.22%)	PAC	1 (0.21%)
APC	–	APC	–	APC	1 (0.20%)	APC	1 (0.17%)

As Table 7.I shows, since 1994, one political party – the ANC – has dominated South Africa's NA. In 1999, the ANC won 66 per cent of the vote, up 4 per cent from 1994, and just one seat shy of the two-thirds majority needed to amend the Constitution. That seat was eventually secured from the single representative of the Minority Front Party, which effectively increased the ANC's dominance from the first NA.³² The ANC eventually received an outright two-thirds majority in the 2004 general election, further cementing its hegemony in the third NA.

Between 1994 and 1999, the ANC was the majority party in seven of the nine provincial governments and also enjoyed overwhelming dominance in at least five of them. It also had decisive control in five of the country's six largest city municipalities.³³ In 2004, the ANC increased its dominance in provincial legislatures by regaining control of the Western Cape and KwaZulu-Natal.³⁴ The 2014 general elections, which ushered in the fifth NA, saw the ANC's dominance decline to 62 per cent of the vote, with many commentators citing President Jacob Zuma's (and, by extension, the party's) waning popularity as reasons. The ANC's poor showing in the 2016 local government elections, in which it obtained about 54 per cent of the vote, adds credence to this claim.³⁵

The ANC's dominance in the national and provincial legislatures represents one major impediment to parliament's oversight function. Without any external political threat to speak of, the ANC's ability to dominate the NA and keep the ANC government in check has depended on the calibre of the ANC's leadership of the time.³⁶ The second major impediment arises from the PR electoral system, voter representation, and legislative-executive relations.³⁷ As noted earlier, the PR electoral system offers no direct link between legislators and voters. Instead, it has created a strong link between a political party and legislators, because MPs presently retain their seats through their membership of political parties.

Ordinarily, parliamentary political systems have the inherent problem that the party with a majority in parliament forms a government, which blurs the distinction between the legislature and executive – yet it is expected to remain functionally and institutionally independent of the executive and hold its own government to account. In South Africa, this inherent problem is exacerbated by the PR system and the dominance of one political party. The Constitution itself has supported this state of affairs by permitting the removal from Parliament of any member who leaves or is forced out of a political party.³⁸ Without an independent constituency of support, MPs do not have a strong basis for holding a view that is opposed to the party line. With one party dominating the political system, crossing the floor is not an

attractive option for the dissenting MPs. In this context, party loyalty takes hold and morphs into reverence and professional fear of the executive.³⁹

In 2004, Thandi Modise described the challenge of South Africa's NA in this way:

Understanding the role of parliament and oversight has not been easy in South Africa. It took time before members (sic) of Parliament (MPs) began to internalise the separation of powers and to expect the executive to justify their decision to Parliament and not the other way round.⁴⁰

Far from fully understanding the nature and significance of its oversight functions, the current NA in South Africa remains ineffective in holding the executive accountable. MPs ordinarily defer to their caucus and do not act independently. As a result, the oversight role of parliament has been relegated to the responsibility of opposition parties alone.

To be fair, the NA has generally been open to the public and allowed for debate in its committees.⁴¹ As far as legislation is concerned, the NA has been responsive to submissions from civil society and from opposition parties. Where Acts of Parliament have been adopted controversially, the Constitutional Court has been used to set aside unconstitutional provisions or Acts that were adopted without following an appropriate participatory procedure.⁴² Similarly, the mechanisms of members' questions and statements and motions have been used to raise concerns against the executive.

Problems have, however, consistently arisen when specific members of the executive have been implicated in corruption or other instances of serious maladministration or wrong-doing. MPs from the ruling party who show independence are quickly crushed. The first instance of such hostile treatment happened as early as 1997, when Bantu Holomisa, then Deputy Minister of the Environment, accused fellow cabinet minister and former Bantustan ruler, Stella Sigcau, of corruption, while giving testimony at the Truth and Reconciliation Commission.⁴³ The ANC reacted by hauling Holomisa before the party's National Disciplinary Committee, which eventually expelled him from the party. Holomisa was one of the most popular figures in the party, and his expulsion must have served as a warning to other MPs that cabinet ministers were exempt from criticism.

The Holomisa example involved criticising a minister outside the walls of the legislature. The 'arms deal' scandal, on the other hand, exposed the assault by the executive and the ruling party on the autonomy of parliament. During South Africa's first NA, parliament approved a request for the National Defence Force to spend about R30 billion to purchase major arms

and military equipment. Pursuant to this appropriation, the government concluded several arms deals in December 1999. Soon thereafter, allegations of corruption with the deals erupted. The manner in which these allegations were addressed and the investigation that was conducted adversely affected the independence, effectiveness and integrity of the parliament's Standing Committee on Public Accounts (SCOPA), which had – up to that point – been lauded for its oversight work. February, for example, writes:

Prior to the arms deal, SCOPA enjoyed a reputation as one of the best-run, most efficient committees in parliament ...

The arms deal literally tore SCOPA apart. The minutiae of what happened cannot be detailed here – suffice it to say that a series of heavy-handed interventions from the ANC Whip's office, and (on one occasion) by Deputy President Zuma, gradually snuffed out the flame of non-partisan independence. The first blow was struck in 2001 when the cerebral Andrew Feinstein was removed as the head of the ANC study group within SCOPA and replaced by a hitherto little-noticed fellow ANC MP, Vincent Smith.⁴⁴

Various authors have covered the arms deal case and detailed how both the NA and other oversight mechanisms have failed to bring all those implicated in the arms deal corruption case to account.⁴⁵

A more recent example of strong party discipline over MPs relates to the removal by the ANC in late 2010 of four chairpersons of NA Portfolio Committees – Nyami Booï, Lumka Yengeni, Vytjie Mentor and Hlengiwe Mgbadeli – who were showing signs of independence.⁴⁶ For example, Booï was dismissed because the committee he chaired (the Defence Portfolio Committee) refused to process the Defence Amendment Bill, because the Minister of Defence refused to submit the National Defence Force Service Commission's interim reports. Yengeni was allegedly dismissed because of the manner in which she presided over the public hearings on labour brokering, which upset the ANC leadership and Congress of South African Trade Unions (COSATU).⁴⁷ With reference to Booï's dismissal, the Deputy Secretary General of the ANC is reported to have said that the Committee's public spats with the Defence Minister could not be tolerated: 'The ANC, at all costs, must be one public representative party that will ensure that, at no time, at no stage, do you place the defence of this country in a situation where the soldiers' attention is deflected from what they are supposed to do.'⁴⁸

In general, the NA's ability to hold the executive accountable has depended on the quality of leadership in the dominant party. In 2008, Griffiths wrote that parliamentary oversight under President Mbeki had become less rigorous than under President Mandela.⁴⁹ One could also say that parliamentary oversight has all but collapsed under President Zuma – a crisis that was precipitated largely by the Nkandla saga.

THE NKANDLA SAGA AND PARLIAMENTARY OVERSIGHT

For purposes of this chapter, the Nkandla saga is peculiar and important in several respects. Firstly, it concerned allegations of maladministration, not just by departmental officials, but also by several cabinet ministers and the president. Secondly, the accusation against the President went beyond mere involvement or acquiescence in maladministration: the President was accused of having benefited personally from maladministration. Thirdly, the Nkandla saga raised the issue of cooperation between and interdependence, or lack thereof, of various oversight mechanisms.

At issue in this saga was the security upgrade work done to President Zuma's private residence (Nkandla) from the time he became President in 2009. As early as 3 December 2009, the *Mail & Guardian* reported that an enormous amount of money (then estimated to be in the region of R65 million) was being spent to improve the President's Nkandla home. Except for a summary refutation of the media report, the government did little to investigate what appeared to be obvious excessive expenditure. Parliament too did not show any serious interest in this report. This changed almost two years later when, on 11 November 2011, the *Mail & Guardian* published another story about the escalating cost of the improvements to the president's private residence. The new report prompted one member of the public to submit a complaint on 13 December 2011 to the Public Protector, asking her to investigate possible abuse of power. It was only after another media report was published on 30 September 2012 by the *City Press*, which alleged that about R203 million had been allocated to the Nkandla upgrade project, that the leading opposition party – the Democratic Alliance (DA) – decided to submit, via its Leader of the Opposition (Lindiwe Mazibuko), its own complaint to the Public Protector. Soon after, four other members of the public filed further complaints with the Public Protector's office.

The fact that the DA chose to petition the Public Protector to address the possible abuse of state resources, rather than invoke the NA's own oversight

powers, such as holding parliamentary hearings, could be interpreted in at least two ways. On the one hand, one could say that the DA did not want to politicise the issue and believed that the Public Protector would be better placed to collect all the relevant information without political interference. On the other hand, one could say that the DA did not believe that the NA would succeed in holding all the actors involved to account. As will be seen later, what happened in the NA after the Public Protector's report was released proved this fear to be reasonable.

The Public Protector's investigation did not proceed smoothly. Once the President and the affected departments were notified of the complaints, the government immediately took rear-guard action to frustrate and derail the investigation.⁵⁰ The Ministers in the security cluster raised the security shield to block the investigation or, at least, the release of relevant documents to the Public Protector. They threatened the Public Protector with litigation and challenged her authority. The government also ordered parallel investigations, including a task team to investigate aspects of the Nkandla security upgrade project. Initially classified as top security, the task team's report was later released to the public, but not before a long period of public pressure. It blamed the escalated renovation cost on some state officials and contractors, but cleared the President of any wrongdoing.⁵¹ To prolong parallel investigations, the Minister of Public Works authorised the Special Investigations Unit and the Auditor General to investigate the matter further, which never happened. For his part, the President lent tepid cooperation to the Public Protector, providing evasive answers to her questions.⁵²

Notwithstanding all these challenges, the Public Protector completed her investigations and released her final report on 19 March 2014. She made several crucial findings. For instance, she found that the manner in which the decision to do security upgrading work at the President's private home was irregular and amounted to a violation of the existing Cabinet policy.⁵³ She also found that the Ministers of Public Works, Police and Defence and various officials in these departments failed to supervise and manage the Nkandla security upgrade project.⁵⁴ Crucially, the Public Protector found that a significant proportion of the improvements to the Nkandla residence had nothing to do with security and that, as a consequence, the President and his family had benefitted unduly from the maladministration arising from the implementation of this the project.⁵⁵

The Public Protector presented the remedial action she expected the various office bearers to take, including the Ministers involved and the President.⁵⁶ Her report ordered the President, with the assistance of the National

Treasury and the South African Police Services, to take steps to determine the reasonable cost of the improvements made to his residence that were not related to security (such as the visitors' centre, the amphitheatre, the cattle kraal, the chicken run, and the swimming pool) and to pay a reasonable cost for these improvements. The President was also asked to reprimand the Ministers involved 'for the appalling manner in which the Nkandla project was handled and state funds were abused'.⁵⁷ and to report to the NA on his actions within 14 days. The report also made policy recommendations to the secretary to the Cabinet that included setting clear standards on security measures for current and former presidents and deputy presidents. The Minister of Police was ordered to ensure that no further security upgrading was done at the President's home, except work that was determined to be absolutely necessary. The National Commissioner of Police and the Director General of the Department of Public Works were, among other things, asked to identify all those involved in the Nkandla project and to hold them accountable for various ethical and other infringements.

The Public Protector submitted her report to both the President and to the NA. Contrary to the Public Protector's request, the president did not take remedial action within 14 days. In fact, he did nothing to comply with the Public Protector's request for more than a year. Similarly, the NA did nothing to ensure that the Public Protector's required remedial action was carried out. This non-compliance prompted the EFF, and later the DA, to pursue legal action in 2015, in an effort to enforce the Public Protector's remedial action.

That the opposition parties had to resort to the judiciary underscores their distrust that the NA would be able to hold the executive to account when high-level members of the executive are personally impugned. This lack of trust was based on the NA's record on this issue. The devices of question time, plenary debates, members' statements and a vote of no confidence against the President had all been used. When the EFF joined the NA in 2014, they tried unorthodox tactics, including flouting parliamentary etiquette and rules, derogatory chants against the President and general disruptive behaviour – all to no avail. No doubt, the level of debate and the voice of the opposition increased in the fifth NA, but the ANC's dominance and its members' allegiance to the party caucus proved an insurmountable barrier.

Indeed, instead of ensuring that the Public Protector's remedial action was implemented, the NA set up two ad hoc committees, dominated by the ruling party, to consider the Public Protector's report, the report of the Minister of Police, and other reports related to the Nkandla project. Ultimately,

these committee deliberations resulted in the NA exonerating the President from any responsibility.⁵⁸ One should also note, that while the oppositions' focus in the NA was predominantly on the President, the Public Protector's report and remedial action dealt with many other actors, including the Minister of Police, the Minister of Public Works, the Minister of Defence, the SAPS and officials affiliated to these departments. To date, these actors have escaped public attention and any remedial action.

Involving the Constitutional Court in the Nkandla saga resulted in a complete shift in the executive's position. Eight days before the hearing took place, the President conceded wrongdoing and expressed a willingness to comply with the Public Protector's remedial action. This was a result the NA was unable to obtain for more than five years. Even the 2014 national election cycle could not nudge the President and the executive to comply with the Public Protector's findings. This suggests that the ANC's dominance in South Africa's political landscape in general, and in the NA in particular, and the lack of direct accountability of MPs to the electorate, make it difficult for the NA to act as an effective oversight mechanism.

In holding that the Public Protector's remedial action in this case was binding and had to be respected unless challenged and reviewed by a court of law,⁵⁹ the Constitutional Court bolstered the powers and the role of Chapter 9 institutions as independent watchdogs of government. In particular, it removed doubt that the remedial action of the Public Protector was non-binding. In doing so, the Constitutional Court vindicated the vision of the framers of the Constitution, who must have foreseen the possibility that political oversight via the NA might not be sufficient to hold the executive accountable.

The Constitutional Court also clarified how the NA should support Chapter 9 institutions in general, and the Public Protector in particular. At a general level, the Court acknowledged that the NA was free to scrutinise executive action as it pleased in performing its oversight function.⁶⁰ However, it held that the NA was duty-bound to hold the President accountable, by facilitating and ensuring compliance with the decision of the Public Protector.⁶¹ It said:

... there was everything wrong with the NA stepping into the shoes of the Public Protector, by passing a resolution that purported effectively to nullify the findings made and remedial action taken by the Public Protector and replacing them with its own findings and 'remedial action'.⁶²

In finding the NA, as a whole, responsible, the Constitutional Court underlined the collective oversight responsibility that the NA has. This is a responsibility that cannot be reduced to a responsibility of the opposition parties.

Overall, the Nkandla saga shows that the task of holding the executive to account is a daunting one, especially when it relates to those with more political power. Political mechanisms are less likely to succeed unless there is a power balance between political parties, the level of integrity in the executive leadership is high, and there is democracy within the ruling party. The Constitutional Court's decision also suggests that non-political mechanisms – such as the courts and Chapter 9 institutions – have an invaluable role to play in complementing the political mechanisms, especially in a context where one party dominates the NA. In order for Chapter 9 institutions to function effectively, they have to be headed by people with proven competence, of high integrity and who are independent, as required by section 181 of the Constitution and their enabling laws. The duty to scrutinise and recommend suitable candidates to the Presidency lies with the NA.

CONCLUSION

The task of holding the executive to account is an enormous one. It requires the deployment of several mechanisms, of which parliamentary oversight is one crucial aspect. Long seen as a panacea to the problem of power, the separation of powers was conceived as a legitimate means by which the legislature could demand accountability from the executive. All other oversight mechanisms lack the political legitimacy that the legislature possesses. It is the very political nature of the legislature that makes it difficult for parliamentary oversight mechanisms to function effectively.

South Africa emerged from a long era of oppression that was characterised by an illegitimate government and parliament, with a new resolve to break decisively from that past by adopting a constitution that proclaimed the values of public accountability, responsiveness and ethical probity. In addition, it placed a huge responsibility on the new parliament to subject the executive to scrutiny and oversight. Over the years, a wide spectrum of accountability and oversight mechanisms has been established. The extent to which these mechanisms have worked in practice has depended on a number of factors, including the quality of the executive leadership and the dominance of the ANC in parliament. More specifically, when specific senior

members of the executive have been accused of wrongdoing, parliament has tended to recoil into their party shells, thereby failing to act collectively to hold the executive to account. What has forged strong party allegiance is largely attributable to the PR electoral system, which offers no incentives for MPs to exercise independent judgment. Even if the ANC were to remain dominant, a constituency-based electoral system would significantly improve the accountability of MPs and, in turn, of the executive. Firstly, since ministers would themselves be MPs, they would be liable to direct electoral accountability in their constituencies every five years. Secondly, they would be subject to competition within their parties in their constituencies, which would improve internal party democracy.

The Nkandla case discussed in this chapter provides more evidence of the problems that parliament faces when trying to hold senior members of the executive to account. Despite all efforts by the opposition, President Zuma would have evaded any form of responsibility for the Nkandla financial abuses had the Public Protector and later the Constitutional Court not intervened. This case underlined the need for non-political forms of oversight to be strengthened and supported, in order for the executive to be held fully accountable. Nevertheless, it is critical that the South African parliament establishes itself as a credible oversight mechanism. Ultimately, accountability has to be institutionalised in the executive itself and in those who hold power. Accountability is critical to establishing a functional democracy that fulfils its promises to its people.

ENDNOTES

- 1 In Chapter X (1), para. 143 of his *Second Treaties of Government*, Locke (1690) wrote: 'And because it may be too great a temptation to human frailty, apt to grasp at powers, for the same persons who have power of making laws, to have also in their hands the power to execute them, whereby they may exempt themselves from the laws they make, and suit the law, both in its making, and execution, to their own private advantage ...'
- 2 Corder, H., Jagwanth, S. and Soltan, F., 1999. Report on parliamentary oversight and accountability. Cape Town: Parliament, p. 2; Schacter, M., 2000. When accountability fails: A framework for diagnosis and action. Institute on Governance, Policy Brief No. 9 (May), p. 1. Available at http://www.iog.ca/view_publication.asp?publicationItemID=44 [Accessed 25 August 2016].
- 3 Corder, H., Jagwanth, S. and Soltan, F., 1999, p. 5.

- 4 Cases CCT 143/15 and CCT 171/15; [2016] ZACC 11; 2016 (5) BCLR 618 (CC); 2016 (3) SA 580 (CC).
- 5 Mansura, M.K., 2012, Enhancing parliamentary oversight: The South African experience. A paper presented at the 2012 Quebec Session of the Association of Secretaries General of Parliaments, Canada, p. 5.
- 6 There were 13 of them.
- 7 Obiyo, R.E., 2006. Legislative committees and deliberative democracy: The committee system of the South African Parliament with specific reference to the Standing Committee on Public Accounts (SCOPA). PhD Thesis, University of the Witwatersrand, p. 55.
- 8 Ibid., p. 74.
- 9 Mansura, M.K., 2012, p. 5.
- 10 Calland, R. (ed.), 1999. The first five years: A review of South Africa's democratic Parliament. Cape Town: Idasa.
- 11 Montesquieu, 1748. The spirit of laws, pp. 151-2. Available at <http://media.bloomsbury.com/rep/files/primary-source-104-montesquieu.pdf> [Accessed 26 August 2016].
- 12 Ibid., p. 152.
- 13 Bradley, A.W., Ewing, K.D. and Knight, C.J.S., 2015. Constitutional and administrative law. Edinburgh: Pearson Education Ltd., p. 91; Madison, J., 1788. 'The particular structure of the new government and the distribution of power among its different parts', Federalist No. 47.
- 14 Ibid.
- 15 The three branches of government have distinct primary powers: legislative authority of the national sphere of government is vested in parliament (section 43(a) of the Constitution), of the provincial in the provincial legislatures (section 43(b) of the Constitution) and local spheres in municipal councils (section 43(c) of the Constitution); executive authority of the Republic is vested in the president, together with members of the cabinet (section 85 of the Constitution), of provinces in the premier and members of the executive council (section 125 of the Constitution), of municipalities in municipal councils (sections 151, 156, 158 of the Constitution); judicial authority is vested in the judiciary (section 165 of the Constitution). See also *In re: Certification of the Constitution of the Republic of South Africa* 1996 (4) SA 744 (CC) at paras. 108–9.
- 16 This is true of members of the NA and provincial legislatures. Local government uses a mixed system, with some councillors elected directly in wards and others being determined by the proportional party electoral system.
- 17 Section 55(2)(a) Constitution.
- 18 Corder, H., Jagwanth, S. and Soltau, F., 1999, p. 2.
- 19 Ibid.

- 20 Section 181 of the Constitution.
- 21 See Chapter 9 of the Constitution.
- 22 Section 89(1) of the Constitution provides further that a resolution for the removal of the president on any of the listed grounds has to be supported by 'at least two-thirds of its members'.
- 23 De Vos, P, 2012. There was no coup to oust Mbeki. Available at <http://constitutionallyspeaking.co.za/> [Accessed 26 August 2016]; Hartley, R., 2014. The sudden dwindling of Thabo Mbeki. *Mail & Guardian*, 19 September 2016.
- 24 Section 92 (3)(b) of the Constitution.
- 25 Mfundisi, S., n.d. Individual ministerial responsibility. Available at: www.ucdp.org.za/upload/files/INDIVIDUAL_MINISTERIAL_RESPONSIBILITY.pdf [Accessed 26 August 2016].
- 26 Section 102(1) and (2) of the Constitution.
- 27 Case CCT 115/12; [2013] ZACC 28; 2013 (6) SA 249 (CC); 2013 (11) BCLR 1297 (CC)
- 28 Ibid., para 47.
- 29 Ibid.
- 30 Obiyo, R.E., 2006, p. 12.
- 31 Parliamentary Monitoring, n.d. Group Structure of government. Available at <https://pmg.org.za/page/structure-of-government> [Accessed 24 August 2016].
- 32 Hughes, T, 2005. The South African Parliament's failed moment. In Salih, M.A. (ed.) *African parliaments: Between governance and government*. New York: Palgrave Macmillan, pp. 225, 228.
- 33 Mattes, R., 2002. South Africa: Democracy without the people? *Journal of Democracy*, 13(1), pp. 22-36.
- 34 Hughes, T, 2005, p. 228.
- 35 See Electoral Commission of South Africa. 2016 Municipal Elections. Available at <http://www.elections.org.za/content/default.aspx/> [Accessed 24 August 2014].
- 36 Hughes, T, 2005, p. 229.
- 37 Mattes, R., 2002, pp. 22, 24.
- 38 Section 47(3)(c) of the Constitution.
- 39 Hughes, T, 2005, p. 244.
- 40 Modise, T, 2004. Parliamentary oversight of the South African Department of Defence: 1994 to 2003. In Le Roux, L., Lupiya, M., and Ngoma, N. (eds.) *Guarding the guardians*. Pretoria: Institute for Security Studies, pp. 45, 49.
- 41 See e.g. Modise, *ibid.*; Czapanskiy, K.S., and Manjoo, R., 2008. The right of public participation in the law-making process and the role of the legislature in the promotion of this right. *Duke Journal of Comparative and International Law*, 19(1), pp. 1, 29.
- 42 See e.g. *Doctors for Life International v the Speaker of the National Assembly & Others* 2006 (12) BCLR (CC); 2006 SA 416 (CC).1399 (CC); *Teddy Bear Clinic for*

- the Abused Children & Rapcan v Minister of Justice and Constitutional Development and National Director of Public Prosecutions*, CCT 12/13; [2013] ZACC; 2013 (12) BCLR 1429 (CC); 2014 (2) SA 168 (CC); 2014 (1) SACR 327 (CC).
- 43 Mattes, R., 2002, p. 25.
- 44 February, J., 2006. More than a law-making production line: Parliament and its oversight role. In Buhlungu, S. (ed.) *State of the nation: South Africa, 2005-2006*. Cape Town: HSRC Press, pp. 123, 134.
- 45 See, e.g., Taljaard, R., 2012. Up in arms: Pursuing accountability for the arms deal in Parliament. Auckland Park: Jacana Media; Griffiths, R.J., 2008. Parliamentary oversight of defence in South Africa. In Stapenhurst, R., Pelizzo, R., Olson, R., and Von Trapp, L. (eds.) *Legislative oversight and budgeting: A worldwide perspective*. Washington DC: World Bank, p. 230.
- 46 *The Times*, 18 November 2010. Available at <http://www.timeslive.co.za/local/2010/11/18/anc-axes-chairmen-of-parliament-committees> [Accessed 25 August 2016].
- 47 Ibid.
- 48 Ibid.
- 49 Griffiths, R.J., 2008, p. 237.
- 50 Public Protector, 2014. Secure in comfort: Report on an investigation into allegations of impropriety and unethical conduct relating to the installation and implementation of security measures by the Department of Public Works at and in respect of the private residence of President Jacob Zuma at Nkandla in the KwaZulu-Natal Province. Report No. 25 of 2013/2014. Available at http://www.gov.za/sites/www.gov.za/files/Public%20Protector's%20Report%20on%20Nkandla_a.pdf [Accessed 25 August 2016], pp.96-126.
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- 52 Public Protector, op. cit., pp. 269–283.
- 53 Ibid., p. 427
- 54 Ibid., p. 428.
- 55 Ibid., pp. 429–432.
- 56 Ibid., pp. 442–446.
- 57 Ibid., p. 442.
- 58 Nkandla case, para. 12.
- 59 Ibid., paras. 74–5, 81.
- 60 Ibid., para. 93.
- 61 Ibid., para. 97.
- 62 Ibid., para. 98.

CHAPTER 8

ANC Hegemony

Social and Economic Ramifications for South Africa

Rama Naidu and Sagie Narsiah

INTRODUCTION

In the aftermath of the defiance campaigns¹ of the 1950s, the African National Congress (ANC) and the broader liberation movement, including the Pan Africanist Congress (PAC) and the South African Communist Party (SACP), were banned in 1960. The ANC and the other liberation movements were only unbanned some thirty years later, in 1990. After South Africa's first democratic election, in 1994, the ANC assumed power as the government of the country. Since 1994, the ANC has entrenched its electoral dominance and used this to dictate the economic and social agenda of the country.

While this is not problematic in itself, given that the ANC has been returned to power several times at the different levels of government through legitimate means, the underlying discourses that inform the way the party governs are the subject of this chapter. We intend to unpack how the ANC has used its electoral dominance to subvert participatory democracy in favour of the self-interest of the elite, and to shape the country's economic and social agenda. Using the concept of hegemony, we will also explore how the ANC has used public participation to facilitate certain self-interested political ends. We posit that the ANC's use of public participation exists apart from civil society and suggest ways in which civil society could contribute more effectively to the deepening of democracy using a deliberative democratic approach.

SITUATING ANC HEGEMONY

The ANC's dominance in South Africa cannot be viewed in narrow historical terms, that is from 1990 to the present. Scholars need to take a longer historical perspective. We contend that the ANC has evolved into its present form through being shaped by various forces during its history. The popular perception is that the ANC represents the poor masses in the country, yet its history indicates an organisation that articulates for elite² interests. At its inception, for example, the leaders of the organisation represented the black elite. Its *raison d'être*, in many ways, therefore, has been to articulate for the interests of the black elite to be included in a societal configuration that had historically been a white preserve.³ The ANC, therefore, sought to lead this particular group to the socio-political promised land and, in many ways, it has succeeded in achieving this goal.⁴

Before addressing one of the primary issues of this paper – the ANC's electoral dominance and how it has used this dominance to set the social and economic agenda – it would be expedient to reflect on the forces that have been harnessed to enable this conjuncture. Analysts agree that the apartheid state could have remained entrenched for an indefinite period; which is why the rapid decline or implosion of the apartheid regime caught the ANC largely unawares.⁵ Perhaps one could suggest, somewhat provocatively, that the ANC had not analysed the apartheid state sufficiently to identify or even countenance its demise.

Yet, the signs of the apartheid state's imminent implosion were all too clear during the 1980s, and even before that. The economic forces, which of course were harnessed to serve the interests of a minority racially distinct elite, were in crisis and not yielding the desired rates of return. The hegemonic political forces, which had ensured mega profits for the elite over an extended period of time, were crumbling. The National Party (NP) led government needed to jettison the baggage of apartheid to protect the interests of the political and business elite. This was evident from the pronouncements of the leaders of big capital during the 1980s, who were calling for the system of apartheid to be abolished. Big capital began preparing for a new alignment of political forces – and in the process protecting its own interests – by meeting with the ANC during the late 1980s. Additional meetings between the ANC and the apartheid intelligentsia soon followed, effectively forging a new hegemon or system of elite domination.

Writers such as Marais⁶, a prescient analyst of South Africa's political economy, dismiss the view that South Africa's economic elite captured the ANC. Indeed, we posit that it is not so much that the ANC was captured or

that the socialist project was defeated by the South African economic elite, but rather that these meetings forged, albeit incipiently, a new elite that included the black elite, whose interests the ANC had long represented. This simply made good business sense. Apartheid was preventing the free flow of capital, investment and access to global capital markets. Once this was agreed to, and accomplished, it simply meant working out the modalities to promote capital accumulation. This process was set in motion when the ANC was unbanned in 1990 and it gained further momentum when the ANC assumed power in 1994.

The analysis of South Africa's transition in this chapter suggests that the ANC is not a coherent body. Furthermore, the ANC has historically had competing interests and factions. For some, the ANC is factionalised and the (quite compelling) evidence, especially during the past decade, supports this view. Strong leaders, such as Nelson Mandela, were able to ensure that these competing factions were carefully managed to ensure that the ANC, as a political entity, remained in power. The watershed moment occurred in 2007 in Polokwane, when the factionalised nature of the party was laid bare. So in this chapter we are arguing that, at any given time, there is a faction that holds the reins of power within the ANC. Moreover, during the post-apartheid period, these factions always served an elite. It suggests, therefore, that the ANC has been successful in fostering consent among the elite, and the majority, to maintain this system.

ECONOMIC COMPONENT

Our argument in this chapter is that the ANC's dominance or hegemony is realised in the social and economic spheres. The economic and social spheres inform each other dialectically. For purposes of understanding the manner in which hegemony has been produced, we will look at how the new elite's interests have infused these spheres. We will consider the economic sphere first.

While in exile, the ANC had no substantive economic policy. Its fall-back position was always the Freedom Charter; however, this charter could not supplant economic policy. In this sense, the ANC remained rudderless until the 1990s, when it was unbanned. For example: from the 1960s to the 1990s, the ANC had a poorly resourced Economics Desk; during the 1970s and 1980s thinking around economic issues in South Africa remained the purview of a small group of academics working mainly at universities in the

United Kingdom. These economists were mainly leftist or Marxist in their theoretical orientation – in the 1970s dabbling in the work of Nicos Poulantzas was very much in vogue. Similarly, regulation theory was also being used as a tool for analysing the South African economy. While these approaches produced powerful critiques, there was very little by way of policy that was ultimately useable. Having said this though, it should be acknowledged that a small group of economists, called the Economic Trends Group, which was linked to the newly formed Congress of South African Trade Unions (COSATU), did provide alternative labour policy positions. It was this group that played an influential role – through COSATU – in informing ANC economic policy shortly after the organisation was unbanned in 1990. The guiding principle that came out of the first meeting, held in Harare, Zimbabwe, on ANC economic policy was, ‘growth through redistribution’. Simply put, redistribution meant stimulating those sectors that had been excluded from the mainstream economy using, for example, public works programmes, to spur growth in the stagnant South African economy. This was also supposed to promote investment in the South African economy. Yet, within a relatively short space of time, this principle was abandoned in favour of ‘redistribution through growth’ and later to ‘growth and redistribution’. By the mid-1990s, the very idea of redistribution ceased to exist, except when dusted off during election time.

There was an aberration though: just prior to the first democratic election in 1994, a document titled Reconstruction and Development Programme (RDP) was used as the ANC’s election manifesto. The RDP was the product of perhaps the most wide-ranging consultative process to inform an economic policy document in South Africa’s history – a broad range of constituencies, interest groups and civil society organisations helped formulate the document. While the document’s wide consultative process was seen as a strength, the document’s weakness lay in its lack of consistency: there were sections of the document that were very progressive, but others were conservative. A case in point were the sections on the economy, which were informed by very conservative positions.

It was clear, early on, that the RDP was not going to be implemented in its original form. The RDP did not have the political support necessary for it to realise its agenda for progressive developmental change so crucial to a post-apartheid dispensation. Consequently, the conservative aspects of the RDP were used to entrench the economic structure that had been incipient during the 1980s. In many ways, this marked a defeat of even a token leftist shift in South Africa, and the consolidation of a newly forged system of elite rule. In late 1995, structures were put in place to close down the RDP

and replace it with a very conservative, neoliberal economic policy. This was fully accomplished in 1996 when the then Minister of Finance, Trevor Manuel, unveiled the Growth, Employment and Redistribution (GEAR) economic policy. The GEAR policy, in contrast to the RDP, was the product of a small group of experts who simply rewrote existing World Bank and International Monetary Fund (IMF) economic policy to suit the South African situation. Indeed, experts from both the IMF and the World Bank were part of the team that compiled the GEAR policy, which promised hundreds of thousands of jobs and high growth rates. The country's economy was to be export oriented and stringent fiscal and monetary control was to be exercised. Ultimately, the GEAR policy failed dismally and there was a decline in the number of jobs. Similarly, growth was marginal and the target growth rates were never met. Despite this, the budget deficit and inflation were kept under control thanks to the Reserve Bank's increased interest rates. However, the high interest rates, COSATU argued, had the concomitant effect of hurting the poor. This much was evident from the widening GINI co-efficient that was, and remains, among the highest in the world. One feature of the GEAR policy was that it facilitated the free movement of capital into and out of the country. As a result, big capital – Anglo American, Old Mutual and SAB – moved with uncommon haste to list on stock exchanges abroad. The position of the newly forged elite was entrenched and post-apartheid South Africa took on the character of a society that was deeply divided and polarised.

The ANC government has delivered wealth to the black elite whom it represents. Policies such as Black Economic Empowerment (BEE) ensured that the black elite gained privileged access to the largesse that was previously the preserve of a minority white elite.⁷ In effect, this period marked a change in the racial character of South Africa's economic elite. Virtually overnight, millionaires and billionaires materialised, as big capital doled out shares in mega-corporations, via so-called empowerment deals. Major companies also began offering shares to the 'previously disadvantaged groups'. Yet, the shares offered to this broader public were ordinary shares worth far less than the preferential shares doled out to the elite. Membership of the ruling party, and, even more important, membership of the controlling faction within the party, meant that (quick) access to wealth was guaranteed. Party officials were the targets of capitalists, because they provided the political access vital to securing lucrative government contracts. There was a revolving door between government and the private sector and a network of patronage quickly became entrenched in post-apartheid South Africa.

Ironically, while the ANC supported the idea of a unitary state form of government,⁸ the constitution delivered a federal configuration, which enabled the network of patronage to flourish. Furthermore, the tender system,⁹ by which lucrative government contracts were awarded to those who were politically connected, ensured that the network of patronage quickly gained traction and became entrenched – and to such an extent that the current government will not even contemplate its removal. Yet, in numerous speeches, senior officials of the ruling party have identified the tender system as a primary cause of corruption. Therefore, the neoliberal GEAR policy, which is based on reducing budget deficits, led to the outsourcing of government services on a grand scale. This has, in turn, spawned a system of patronage that has now become entrenched and ensured elite control of not only resources, but also of a voting block that has repeatedly returned the ANC to power at both the national and local level.¹⁰

The key question that arises is: How has the ANC managed to hold on, quite comfortably, to power during the post-apartheid era? As discussed in Chapter 7 of this book, there is the obvious liberation or struggle narrative that the ANC uses very effectively to buttress its claim to be the only true representative of ‘the people’. In fact, the ANC has unapologetically appropriated the liberation struggle to serve its own interests. There have been frequent protests against this revisionism by other liberation movements, such as the PAC and the Azanian People’s Organisation (AZAPO), especially during key commemorative occasions, such as 21 March, Human Rights Day, long known as Sharpeville Day during the struggle era. For movements such as the PAC, the post-apartheid nomenclature has seen their key contributions to the liberation of South Africa being airbrushed. The revised historical narrative is very simple: the ANC has liberated South Africa and it is entitled to the liberation dividend – being returned to power time and again. It is also a narrative that facilitates the ANC’s hegemony.

This narrative has been extremely effective. Yet, the history of the ANC suggests that its role in the liberation of South Africa may be over-played. After the defiance campaigns of the 1950s, the apartheid state emasculated the ANC by jailing its leaders and banning the organisation. The ANC in exile posed little threat to the apartheid state. As a result, the ‘ANC transformed itself into a top-down and secretive organization, made up of a small number of conscious militants and professional revolutionaries’.¹¹ In fact, the ANC had little or no influence during the 1976 uprising. Also, during the 1980s when the protests against the apartheid state were at their height, it was the United Democratic Front (UDF) that led the revolt and mobilised the oppressed masses. During this period, the ‘new impulse of mass

protest and participation at the local level was sustained with an ethos of people's power, self-government, and participatory democracy'.¹² The trade union movement, COSATU, which was formed in 1985, galvanised workers against apartheid and effectively linked factory and community struggles to the broader struggle against apartheid. During the period leading up to the 1990s, it was clear that while there were links between COSATU and the ANC, the trade union movement remained independent.

When the ANC was unbanned in 1990, it co-opted the organisational structures of the trade union movement and the internal mass democratic movement. The mass democratic movement was absorbed into the ANC as its leaders took up positions in the party – many of the UDF leaders became leaders within the ANC.¹³ This strategy gave the ANC ready access to an existing organisational structure that stretched countrywide. This infrastructure stretched into the former Bantustans and specifically into the rural areas where the progressive traditional leaders organised as the Congress of Traditional Leaders of South Africa (CONTRALESA). The ANC was reaping the liberation dividend, garnering the lion's share and effectively outmanoeuvring the other liberation movements. In addition, broader civil society was consolidated via the South African National Civics Organisation (SANCO) formed in 1992 – an organisational structure that has been further consolidated with each passing election. The ANC has ensured that this organisational machinery does not fall into disrepair – it is essential to the survival of the party and integral to it remaining in power.

There is yet another facet to the ANC's hegemony. As Chapter 2 illustrates, South Africa's electoral system is a closed list proportional representation system. This system exists at the national, provincial and the local level.¹⁴ In a proportional representation system, parties rather than individuals contest elections and votes for parties translate into seats at the national, provincial, and local spheres. The representatives that fill these seats are drawn from party lists, which in theory should represent the choice of each party's various branches. Yet, for the ANC at least, this claim is hard to sustain. These lists, particularly since the ANC's 52nd National Conference in Polokwane in 2007, have represented the dominant faction in the ruling party. What is also apparent is that these lists seemingly represent the network of patronage that exists and with each passing election these lists are more fiercely contested. Disputes over the constitution of these candidate lists have led to the loss of life. For example, prior to the August 2016 local government elections, there were a number of violent protests on the issue of candidate lists. In the Tshwane metropolitan area, in Gauteng, where violent protests over a mayoral candidate who protestors claimed

was imposed on them left at least five people dead amidst widespread looting and property damage in the area. The protest was apparently between contending patronage networks.¹⁵

The electoral legislative framework, which regulates the proportional representation system, also, perhaps unwittingly, facilitates undemocratic practices. As chapters 2 and 3 of this book explain, parties draw up lists, which in the ANC is a closed process. Although party leaders claim that these lists are a reflection of the will of the branches, they are in fact, determined by the organisation's democratic centralism.¹⁶ Ultimately, it is a small group that takes decisions regarding the list of party candidates. This raises the stakes at all levels of government. Successful candidates are virtually guaranteed access to the largesse of lucrative government contracts or, perhaps more importantly, as pedlars of political access. This is how the ANC has consolidated its hegemony. At another point in history, the situation may be different. However, it is quite clear that corruption within the ruling party, which controls the levers of power in South Africa, has been steadily increasing, to such an extent that there is virtually no government department or state agency that is not tarnished.

THE ANC AND PUBLIC PARTICIPATION

Up until now we have referred to the conjunctural moments that have enabled the ANC to dictate South Africa's economic and social agenda or, in a phrase, the rise and consolidation of ANC hegemony. However, without the public's participation the ANC would not have dominated the post-apartheid era in the way that it has. Naturally, this claim comes with several corollaries. For instance, in practice, public participation is not substantive, but occurs instead on terms that have been defined by the ANC. The ANC decides who is included and who is excluded and, to be sure, these terms serve certain vested interests. So, when the most powerful and senior members of the organisation make statements referring to dissenters as 'defining themselves outside the ANC' or 'it is cold on the outside' it speaks to the nature of participation within the party and by inference the conceptualisation of public participation within the broader South African social formation. Let us explore the rationale behind this conceptualisation as critique.

When the ANC was an exiled organisation it was shrouded in secrecy and mystique¹⁷. Dissent in the main was not tolerated,¹⁸ and a strict code of discipline was enforced. Governance of the organisation was not

participatory, and by some accounts Stalinist. Essentially, it was organisationally top-down rather than bottom up. Reportedly, Oliver Tambo, the leader of the ANC in exile, appointed committees as a means to disarm or defuse potentially explosive grievances. Together with the democratic centralist governance model, the way decisions were reached never saw the light of day. While in exile, the ANC's need to adopt a secretive, insular approach was understandable because it was essentially an organisation under attack by the apartheid state. Since the ANC was in exile for around thirty years, or roughly a generation, there was a cadre of ANC members who knew no other system. Therefore, when the ANC was unbanned and the exiled component of the organisation arrived in South Africa, a governance culture shock awaited them.

In contrast, the liberation movement within the country operated differently. Here the liberation movement occupied the same space as the oppressor and were at greater risk of being captured, tortured and killed, in a word, brutalised, by the Nationalist government. These risks meant that the liberation movement inside the country needed to adopt a different type of organisational culture – one that was democratic, participatory and representative.¹⁹ The movement was vibrant and its membership committed to a non-racial post-apartheid South Africa. However, in 1990 the mass movement in many ways disbanded to unite under the ANC banner and in doing so reshaped its political identity.²⁰ Furthermore, the ANC consolidated its vanguard position within its alliance with COSATU, the SACP and SANCO.²¹ In many ways, the identities of these organisations were also shaped by the ANC given that officials held multiple memberships. Indeed, many office bearers from these organisations found themselves in government as members of the ANC and subject to the movement's democratic centralist culture. This culture also favoured a unitary state and the federalist arrangements, a consequence of the negotiated settlement, rested uneasily. For the ANC, it was a matter of waiting for the transitional arrangements to run out in 1999 when the Mbeki presidency started.

Here is how Anthony Butler described the movement's centralist, top-down control oriented dispensation under Mbeki:

Mbeki's presidency has determinedly centralised, hosting new cabinet cluster support systems, and adopting the role of ultimate adjudicator in inter-departmental conflict. In early 2004, Mbeki appointed loyalist deputy ministers across almost all departments, supplementing the already tightened management of directors general, and later that year announced new intergovernmental co-ordinating mechanisms. The rise of the presidency

evokes concern given the personalised rule that has overtaken many southern African liberation movements, and the frailty of presidential democracies. Compliant ministers may fail to challenge or correct the mistakes of the leader, political entrepreneurs can use the presidency to exercise unaccountable power, and succession problems arise as factions compete for a winner-takes-all prize while the president's retinue encourage him to seek additional terms in office.²²

Mbeki's so-called Africanisation agenda and the concept of the African Renaissance was little more than a veiled attempt at consolidating the centralist top-down structure which had served the ANC well during the exile years. This approach militates against the concept of a participatory democracy, rather substituting it for a representative democracy. Yet, representatives in parliament are not elected directly by the people. As indicated earlier, representatives are chosen for the people. And, neither is the president elected directly. The president is elected by parliament. Given that parliament has to play an oversight role, it is difficult to envisage the full realisation of this role when accountability to the party is an over-riding factor, and when career progress is dependent on loyalty, which is handsomely rewarded with plum positions and other trappings of patronage. Dissent on the other hand is not tolerated. There are a number of examples of dissenters being expelled – from Bantu Holomisa, to leaders of the Congress of the People (COPE) and Julius Malema.

The ANC has also launched attacks on those who disagree with its decisions, and its statements against the judiciary are a perfect example – judges ruling against party leaders have been referred to as 'counter-revolutionary'.²³ As a result, there has been widespread co-option – today a critic, tomorrow a loyal card carrying cadre of the ANC. Experts are harnessed in the service of the ANC and consulting for the ANC government is highly lucrative. This is one strategy to silence the critical voice. Independent thinking is something of an anathema and adhering to the party line, which is dictated by a small group of leaders, is a prerequisite. Opposition to this leadership is viewed as illegitimate.²⁴

This tendency is clearly apparent when there is dissent in the ruling party. Those who disagree with the ANC leadership are cast as illegitimate – the controversy mentioned earlier over the ANC's candidate lists for the August 2016 local government elections is a case in point. Another recent example is the Tlokwe municipality, in the North West Province, where ANC councillors were expelled for their lack of obedience in supporting seemingly corrupt municipal officials.²⁵ Also, when President Zuma was booed

at the memorial service for Nelson Mandela, structures were put in place to ensure that there was no repeat occurrence.

Public participation will not be central to ANC philosophy as long as it continues to win elections. The question remains: Why does the ANC continue to win elections and be returned to power time and again with more than 60 per cent of the vote each time? Furthermore, how does it continue to dominate even though its leadership is viewed as highly compromised and tarnished? There are several reasons for this. There are those analysts who subscribe to the racial census thesis namely, that voting patterns follow the demographics of the country. Among them is Friedman who refers to this phenomenon as identity politics. Yet, it seems lost on the ANC that the character of the electorate is changing and that it cannot rely on identity type electioneering to stay in power. According to Friedman, the ANC has shown its disregard or perhaps its ignorance by continuing with its centralising tendency:

Like the Mbeki administration, the first Zuma cabinet is hoping to achieve more efficient government not by strengthening citizens' ability to hold it to account, but through central planning and coordination, to be exercised through a planning commission and a ministry for monitoring and evaluation, both located in the presidency.²⁶

Yet, the drop in support for the ANC after the 2009 national government election result was quite clear. In fact, it was returned to power with its poorest showing in an election since 1994 and things grew worse in 2014, culminating in a dramatic drop in support in 2016, where it garnered under 55 per cent of the vote. The ANC is seemingly not concerned with this because of its assured support from mainly rural areas, particularly KwaZulu-Natal and the Eastern Cape. Here the traditional leaders play a dominant role and deliver the community vote to the ANC. There are also tribal and ethnic factors that contribute to the vote, particularly in KwaZulu-Natal, where President Zuma is from. President Zuma is a Zulu, and he has used this most expediently to consolidate a power base in the province – effectively co-opting the traditional leaders' councils.

However, as Southall in his analysis of the 2014 national government election has indicated: 'While continuing to remain solid overall, the foundations of the ANC's vote are beginning to crumble'.²⁷ One of the key reasons for this he opines is the fact that the nature of the electorate is changing. There are now a large number of younger voters from the post-liberation era who are looking for alternatives and who are not as sensitive to historical

issues as their parents. There is also a migration of people from the rural to the urban areas – high rates of poverty and unemployment in rural areas have pushed this migration. While in rural areas traditional leadership plays very influential roles in directing the way communities vote, in urban areas this is less so.

So far, this chapter has argued that the ANC promotes a form of public participation that is carefully crafted on its own terms. It dispenses discipline through democratic centralism and effectively suppresses any dissent. Furthermore, the ANC has successfully emptied public participation of its content in terms of the definition of ‘public’ (as alluded to above – the definition of those inside and outside the organisation) and ‘participation’. Decision-making rests in the hands of a minority elite, which is hardly public participation. The party’s conduct is mirrored in the way it governs and it is unapologetic about not respecting the boundary between party and state – Piper and Anciano refer to this as the party-state.²⁸ As a consequence, the public sphere has been severely compromised, and, we argue, it has been appropriated by the ANC.

THE ROLE OF CIVIL SOCIETY

South Africa clearly has a good governance deficit, a deficit that continues to widen quite alarmingly. The auditor general’s reports over the years bears testimony to the wasteful and fruitless expenditure at all levels of government²⁹ as does several reports by the public protector. Yet, there does not appear to be a concerted effort to address the root causes of the problem, some of which have been alluded to in this chapter, such as patronage, the tender system, the lack of electoral reform, and the use of democratic centralism espoused by the ruling party. Piper and Anciano³⁰ bemoan poor governance in South Africa:

One of the reasons for poor local governance in South Africa is the closure of space for independent citizen voice, action and organisation at the most local level in South Africa. This occurs inside the ANC, where branch level views are side-lined by national and provincial leaders, and in society where the representation of urban, black communities is usually monopolised by ANC-aligned activists.

The 'closure of space for independent citizen voice' refers to the closure of the public sphere. This is a very serious claim and there is evidence to support it. For example, it seems as though ward committees are little more than forums to promote the ruling party's political agenda. These committees do not tolerate dissent and effectively silence the independent citizen's voice. There is a need for this voice to be heard, again, like it was during the halcyon struggle era against apartheid. There is a need for the 'messy heterogeneity' that characterised the practise of the leading movements of the time.³¹ There is a need for civil society to reclaim its rightful place between society and the state – the public sphere. This place, following Habermas, is where citizens can speak freely and without fear. As we have already shown, since 1999 the ANC has effectively captured the public sphere by remaking participation into representation and claiming to speak for citizens.³² It has been a very effective de-politicisation tool.

In many ways, civil society has been disarmed. However, civil society needs to reclaim the public sphere and central to this is the need for a theoretical movement or perhaps for civil society to engage in a moment of theoretical reflection. This reflection requires moving away from public participation or at least the current system of participatory democracy as engineered by the ANC. This is necessary because the current system has been conceptualised and designed outside of the public sphere. In practice, the system has morphed into the opposite of democracy, and instead of promoting freedom and liberation it has enforced new forms of control and oppression. These are products of a participatory democracy that has been appropriated by the ANC in an effort to realise its national democratic revolution.³³ However, South African society has, in fact, simply become re-racialised. This started when the nation-building project initiated under Nelson Mandela began unravelling under President Mbeki and has since taken on a re-racialised form under President Zuma. Ironically, now the tool for economic liberation is viewed as the free market. In other words, the economic kingdom is capitalist – the antithesis of the ANC's apparent socialist foundation.

South Africa needs to be unburdened of this form of participatory democracy and ought to embrace deliberative democracy.³⁴ The opportunity for South Africa to embrace deliberative democracy, which became influential during the 1990s, and to mature with the theory, was missed. Carol Pateman describes the reach of deliberative democracy:

The new form that has been by far the most successful is deliberative democracy. By 2007 John Dryzek could write that 'deliberative democracy now constitutes the most active area of political theory in its entirety (not just democratic theory)'. Not only is there an extremely large and rapidly growing literature, both theoretical and empirical, on deliberative democracy, but its influence has spread far outside universities.³⁵

Perhaps it would be expedient at this juncture to reflect on deliberative democracy as a concept before reverting to our analysis of the ANC. While deliberative democracy may be traced to ancient roots, its modern form dates to the 1980s. For Gutmann and Thompson, 'deliberative democracy affirms the need to justify decisions made by citizens and their representatives. Both are expected to justify the laws they would impose on one another. In a democracy, leaders should therefore give reasons for their decisions, and respond to the reasons that citizens give in return'.³⁶ Deliberative democracy, therefore, seeks to evoke a more effective citizen voice in governance, which in a representative democracy is largely silenced. As a consequence, decision-making is distanced from the citizenry. In many ways, to follow Arnstein's seminal paper on citizen participation,³⁷ decisions are simply conveyed to citizens as information.

Deliberative democracy, therefore, seeks to address this democratic deficit through (re)constructing German political theorist Jurgen Habermas' public sphere. For Habermas the public sphere is a space that exists/is created between the state and civil society, where interaction (communication) can take place freely.³⁸ In this sphere, 'the public' can engage the process without fear of retribution and ultimately achieve a 'rational consensus' or an agreement (consensus) reached through reasoned argument. This is central to deliberative democracy. Habermas has been criticised for this 'idealised' conception.³⁹ Theorists such as Mouffe proffered conflict (agonism) as opposed to consensus as a more productive and realistic means of public engagement.⁴⁰ Also, as Guttman and Thompson articulate:

Persons should be treated not merely as objects of legislation, as passive subjects to be ruled, but as autonomous agents who take part in the governance of their own society, directly or through their representatives. In deliberative democracy, an important way these agents take part is by presenting and responding to reasons, or by demanding that their representatives do so, with the aim of justifying the laws under which they must live together. The reasons are meant both to produce a justifiable decision and to express the value of mutual respect.⁴¹

Guttman and Thompson emphasise that deliberative democracy requires citizens to act as active subjects participating in governance and the accountability of public representatives.⁴²

In South Africa we have seemingly missed the boat. When Latin America was experimenting with exciting new forms of deliberative democracy like participatory budgeting during the 1990s,⁴³ our new democracy was being prepared for the National Democratic Revolution (NDR), an archaic, governance model, the relic of a discredited modernity. Civil society needs to rescue the South African nation-building project and refashion it so that it is inclusive, open, and embraces difference. At present South Africa is tending towards an insular society seemingly afraid to embrace that which is different. The seeds for a deliberative democracy in South Africa exist, but are currently dormant. These are the seeds that flourished vibrantly during the struggle against apartheid into organisations such as the UDF. These seeds exist in the new social movements that are deliberative and democratic in form and content.

There have been examples during the post-apartheid era, like the Treatment Action Campaign (TAC). The TAC refused to participate in the genocide perpetrated by the government's refusal to provide medication to those suffering from HIV/AIDS. Recently, a number of civil society groupings⁴⁴ have mobilised against a move to transform the SABC from a public broadcaster into a state broadcaster. This has to be read in terms of the broader objectives of the NDR and the single nation thesis. There has been a huge outcry against this strategy by broader civil society who views this as an attack on press freedom. Also, given the pronouncements made by the chair of the parliamentary portfolio committee on communication,⁴⁵ there are those from within the ruling party who are not in favour of recasting the SABC. Senior members from within the ruling party have from time to time expressed their dissatisfaction over the direction of the ruling party,⁴⁶ and even the courts are wary – the SABC has lost several court cases, the latest being the dismissal of journalists who dared to speak out about editorial policy at the organisation.⁴⁷

The nature of hegemony is that it is never complete or uncontested. The concept relies on assembling forces to reinforce an entity's dominance, at any conjuncture. Indeed, there are a myriad of struggles against the ANC's hegemony in different spheres. At the local level, there are hundreds of protests against poor service delivery, indicating that there is a vibrant civil society that is trying to (re)claim the public sphere. As the above examples reveal, there are also contending forces.

Reclaiming the public sphere needs broader civil society to coalesce around an alternate nation-building project. Realising the potentials inherent in our progressive constitution will be a useful place to start. The struggle against apartheid was based on creating a social justice conscience. Non-governmental Organisations (NGOs) played a significant role in this regard. However, in the post-apartheid era NGOs were strategically disarmed. At one stage the ANC called for funding to be channelled through government. The rationale, while unclear at first, was clearly to clamp down on those NGOs that maintained an independent and critical voice – in a phrase, the silencing of dissent. What the ANC was in favour of was, of course, Co-opted Non-governmental Organisations (CONGOS).

The nature of NGOs has changed during the democratic era. Funding is their life-blood and in the era of financial crisis NGOs have had to reinvent themselves. Many have to partner with the government in order to secure funding to survive, acting, for example, as consultants or simply becoming service providers. However, when NGOs engage in these types of activities their strong critical voice is diluted to a whisper or even silenced. Yet, without strong input from the NGO sector, the public sphere will simply be appropriated.

The NGO sector has a moral right⁴⁸ to defend and claim the public sphere as it did during apartheid. The NGO sector, therefore, has to lead a movement away from public participation to deliberative democracy. As outlined above, public participation has been appropriated to serve as a mechanism of control. The recent 2016 local government elections revealed that there are areas where deliberation can supplant public participation. In communities, there have been instances where party list systems have been eschewed in favour of independent candidates. Indeed, there was an increase not only in the number of parties contesting elections, but also in the number of independent candidates.⁴⁹ This suggests that there is an embryonic movement that is sensitive to local conditions and the local voice. It is one small step in dismantling structures of dominance and supplanting them with structures of deliberative democratic practise.

CONCLUSION

In this chapter, we have shown how the ANC has, through its dominance at the ballot box, set the economic and social agenda. We have argued that the ANC represents elite interests and this is enshrined in its economic policy,

which has essentially fused the extant elite economic class under apartheid with the elite interests represented by the ANC. This is why we argue that post-apartheid rule consolidates the interests of a minority elite. The ANC's hegemony is structured on a historical narrative that unapologetically claims the liberation dividend for the party alone. It has consolidated its hegemony using its democratic centralist management ethos and the National Democratic Revolution (NDR), both of which are at odds with the ideals espoused by the most progressive anti-apartheid movements such as the UDF.

We have also argued that the ANC is a hierarchical organisation and public participation is not central to its practise. We have argued that while the ANC is not entirely dismissive of public participation, what it has done is to appropriate the concept and deploy it on its own terms. Indeed, the ANC has transformed participatory democracy into a representative democracy that has been reinforced by various institutional and legislative mechanisms such as the electoral system, for example. Deliberative democracy makes a substantive claim for the primacy of rational consensus i.e. the primacy of reason over political manoeuvre. Yet, to date, this approach has clearly evaded South Africa. The Nkandla debacle is a case in point. So is the recent response by the government and the ruling party to the public protector's state capture report.

We suggest that the concept of a participatory democracy be abandoned, because it is an outdated theoretical concept. We argue for a deliberative democracy and the restoration of the public sphere. In this regard, civil society needs to revive the vibrant 'messy heterogeneity' evident and successful in the struggle against apartheid. We conclude that NGOs have a crucial role in claiming the public sphere. The recent local government elections are indicative of the existence of spaces where deliberative democratic practise can flourish. In many ways, it is a rebuttal of an approach that seeks to deprive citizens of their voice. As a consequence, there is an urgency that needs to inform our practice. Inertia simply promotes elite capture and reduces liberation to an empty shell or worse, nihilistic.

ENDNOTES

- 1 The defiance campaigns were non-violent resistance mounted against the apartheid state. They were led by the ANC and the South African Indian Congress.
- 2 I am specifically referring to the interests of the black elite.

- 3 Hein Marais makes a cogent argument in this regard. See Marais, H., 2011. *South Africa Pushed to the Limit*. Cape Town: UCT Press.
- 4 Ibid.
- 5 See Marais, H., 2011; Southall, R., 2014. The South African Election of 2014: Retrospect and Prospect. *Strategic Review for Southern Africa*, 36(2), p. 80; Butler, A., 2005. How democratic is the African National Congress? *Journal of Southern African Studies*, 31(4), pp. 719-736.
- 6 Marais, H., 2011. *South Africa Pushed to the Limit*. Cape Town: UCT Press.
- 7 Some regulatory mechanisms in this regard are: the Broad-Based Black Economic Empowerment Act 53 of 2003 also referred to as B-BBEE is a policy meant to enable economic transformation and promote the participation of black people in the economy; the Preferential Procurement Policy Framework Act 5 of 2000 (PPPPFA), which gives preferential access to black entrepreneurs; and the Supply Chain Management (SCM) Guideline of 2004 and Procurement Regulations (DTI, 2005). Government agencies are bound by this legislation.
- 8 A unitary state exercises control over government and governance in a country; in a federal state, some functions are devolved to regions/provinces.
- 9 In principle, a tender-type system provides a workable solution. However, in practice it is manipulated, perhaps because there is no substantive oversight or performance measurement.
- 10 The 2016 local government election seems to indicate that this voting block is beginning to crumble.
- 11 See Darracq, V., 2008. The African National Congress (ANC) organisation at the grassroots. *African Affairs*, 107(429), p. 591.
- 12 Ibid. p. 592.
- 13 Trevor Manuel, Cheryl Carolus and Frank Chikane spring to mind immediately.
- 14 The local system includes a constituency based system.
- 15 See for example: Quintal, G., 2016. Five reasons why Tshwane was in Flames. *Buisness Day Live*, 22 June 2016. Available at <http://www.bdlive.co.za/national/2016/06/22/five-reasons-why-tshwane-was-in-flames> [Accessed 12 August 2016]; and, Nicolson, G., 2016. Tswane crisis: When factionalism runs riot. *Daily Maverick*, 22 June 2016. Available at http://www.dailymaverick.co.za/article/2016-06-22-tshwane-crisis-when-factionalism-runs-riot/#.V69bC_MaLIU [Accessed 12 August 2016].
- 16 Very simply, democratic centralism is a hierarchical system in which decisions taken at the upper levels of a structure are binding on lower levels.
- 17 See for example, Butler, A., 2005. How Democratic is the African National Congress? *Journal of Southern African Studies*, 31(4), pp. 719-736.
- 18 The 1969 conference in Morogoro was an exception.

- 19 Cf. Piper and Anciano who follow Glaser in arguing that the internal liberation movement had two strains: "One was an authoritarian, statist and Leninist strain informed by the idea of guidance by a central body championing ultimate liberation. The other was a non-state, civil society-centric view of grassroots power and local autonomy associated with 'messy heterogeneity of the United Democratic Front'. Piper, L. and Anciano, F., 2015. Party over outsiders, centre over branch: how ANC dominance works at the community level in South Africa. *Transformation: Critical Perspectives on Southern Africa*, 87(1), p. 78.
- 20 The rationale was simply that ideals of the ANC and the internal mass movement were the same, so it made sense that the internal mass movement unite behind the ANC. Those components of the internal mass movement which subscribed to the ideology of the PAC and AZAPO joined those organisations. The ANC gained the lion's share of support though.
- 21 The alliance represented a broad configuration that represented the political, labour and civil society components of the forces aligned against the apartheid state.
- 22 See Butler, A., 2005. How democratic is the African National Congress? *Journal of Southern African Studies*, 31(4), p. 722.
- 23 See for example: The Times Editorial. 2015. ANC increasingly resentful of our independent judiciary. *The Times*, 24 June 2015. Available at <http://www.timeslive.co.za/thetimes/2015/06/24/ANC-increasingly-resentful-of-our-independent-judiciary> [Accessed 12 August 2016].
- 24 Butler, A., 2005. How Democratic is the African National Congress? *Journal of Southern African Studies*, 31(4), pp. 719-736.
- 25 See, for example, Editorial. 2015. It was our responsibility to oust Tlokwe mayor – rebel ANC councillor. *City Press*, 21 July 2015. Available at <http://www.news24.com/Archives/City-Press/It-was-our-responsibility-to-oust-Tlokwe-mayor-rebel-ANC-councillor-20150430> [Accessed 12 August 2016]; and, SAPA. 2013. ANC to probe Tlokwe councillors. *IOL News*, 27 August 2013. Available at <http://www.iol.co.za/news/politics/anc-to-probe-tlokwe-councillors-1569031> [Accessed 12 August 2016].
- 26 Friedman, S., 2009. An accidental advance? South Africa's 2009 elections. *Journal of Democracy*, 20(4), pp. 108-122.
- 27 Southall, R., 2014. The South African Election of 2014: Retrospect and Prospect. *Strategic Review for Southern Africa*, 36(2), p. 81.
- 28 Piper, L. and Anciano, F., 2015. Party over outsiders, centre over branch: how ANC dominance works at the community level in South Africa. *Transformation: Critical Perspectives on Southern Africa*, 87(1), pp. 72-94.
- 29 For example, in 2016, the Nelson Mandela Bay metro was found to have wasted billions of rands. Sesant, S., 2016. AG's Report: Billions of rands wasted by

- Nelson Mandela Bay metro. *EWN*, 9 February 2016. Available at <http://ewn.co.za/2016/02/09/Auditor-General-report-flags-wasteful-expenditure-in-EC> [Accessed 12 August 2016].
- 30 Piper, L. and Anciano, F., 2015. Party over outsiders, centre over branch: how ANC dominance works at the community level in South Africa. *Transformation: Critical Perspectives on Southern Africa*, 87(1), p. 89.
 - 31 Piper, L. and Anciano, F., 2015.
 - 32 This is done by using the organisation as a channel for citizens' concerns and then simply re-presenting these in its own terms. see Ellis, S. 2014., ANC suppresses real history to boost its claim to legitimacy. *Mail & Guardian*, 3 January 2014. Available at <http://mg.co.za/article/2014-01-02-anc-suppresses-real-history-to-boost-its-claim-to-legitimacy> [Accessed 12 August 2016].
 - 33 Product of the 1960s political strategy comprising two steps: firstly, the seizure of power and the eradication of racism; secondly, economic emancipation.
 - 34 In South Africa, participatory democracy is primarily limited to participating in elections. Representatives elected in this way are then allowed to take decisions on behalf of citizens. Deliberation, on the other hand, requires involving citizens directly in decision making.
 - 35 Pateman, C., 2012. APSA Presidential Address: Participatory Democracy Revisited. *Perspectives on Politics*, 10(1), p. 7.
 - 36 Gutmann, A. and Thompson, D., 2009. Why deliberative democracy? Princeton: Princeton University Press. p. 3.
 - 37 Arnstein, S.R., 1969. A ladder of citizen participation. *Journal of the American Institute of planners*, 35(4), pp. 216-224.
 - 38 Habermas, J., Lennox, S. and Lennox, F., 1974. The public sphere: an encyclopaedia article. *New German Critique*, (3), pp. 49-55.
 - 39 Niemeyer, S. and Dryzek, J.S., 2007. The Ends of Deliberation: Meta-consensus and inter-subjective rationality as ideal outcomes. *Swiss Political Science Review*, 13(4), pp. 497-526.
 - 40 Mouffe, C., 1999. Deliberative democracy or agonistic pluralism? *Social Research*, 66(3), pp. 745-758.
 - 41 Gutmann, A. and Thompson, D., 2009, p. 4.
 - 42 Ibid.
 - 43 Participatory budgeting has a global reach. There are examples of this approach in Latin America, North America, Europe, Asia and Africa.
 - 44 Such as the Save our SABC Coalition.
 - 45 Mr Jackson Mthembu made scathing remarks regarding the SABC's decision not to show footage of protest action. See, for example, Staff Writer, 2016. ANC Jackson Mthembu lays into Hlaudi Motsoeneng. *Business Day Live*, 5 July 2016.

Available at <http://www.bdlive.co.za/national/media/2016/07/05/anc-s-jackson-mthembu-lays-into-hlaudi-motsoeneng> [Accessed 12 August 2016].

- 46 Cheryl Carolus, an activist and leader of the UDF, recently spoke out against the culture of defending the indefensible in the ANC with direct reference to the Nkandla debacle. See, for example, Carolus, C., 2016. Cheryl Carolus: Our people deserve better. *City Press*, 11 April 2016. Available at <http://city-press.news24.com/Voices/cheryl-carolus-our-people-deserve-better-20160410> [Accessed 12 August 2016].
- 47 The SABC lost the case brought against it by the dismissed journalists. At the time of writing, the journalists were back at work.
- 48 Deliberative democracy is crafted on a moral argument. Hillier, J., 2003. Agonizing over consensus: Why Habermasian ideals cannot be real. *Planning Theory*, 2(1), pp. 37-59.
- 49 In most cases, independent candidates were generally well known in the community and carried out their own election campaigns. It is important to understand that, in the broader context, civil society's civic education work has made communities aware of the power and choices they have and how they can exercise them – in this case eschewing political parties who do not represent their particular values and running as an independent candidate.

The African National Congress and South Africa's Foreign Policy and Diplomacy

A Decolonial African Perspective

Siphamandla Zondi

INTRODUCTION

Today, traditional foreign policy analysis themes dominate discussions about South African foreign policy priorities. They range from: human rights and values to the importance of national interests; balancing priorities like Africa, the South-South Cooperation and the relations with the Global North; new forms of diplomacy such as economic diplomacy; key bilateral relations and platforms for multilateral diplomacy; domestic imperatives and foreign policy; and so forth. There has recently been growing focus on the role and impact each president – Nelson Mandela, Thabo Mbeki and Jacob Zuma – or the executive generally has had on foreign policy.¹ Very little discussion demonstrates an awareness of the vital influence the African National Congress (ANC), as a governing party, has had on the nature, character, structure and content of the post-1994 foreign policy. Even when scholars refer to the ANC's policy position read by Nelson Mandela during his visit to the United States in 1993, they tend to make this Mandela's personal foreign policy, and argue that the policy changed after Mandela, the exceptional black leader. This latter point assumes that under Mandela foreign policy was human rights-centred, which means the five other principles Mandela mentioned in the speech did not matter.²

Some work on the ANC's international solidarity is beginning to emerge³ providing a useful basis for analysing the ANC's impact on the framing and practice of South African foreign policy after 1994. This includes emerging work precisely on the ANC and its impact on foreign policy making and implementation, as well as points of convergence and divergence in the ANC and its government positions on certain matters.⁴ There are discussions on

ways in which developments in the ANC express themselves in foreign policy positions, but I have not seen any written notes on this. The role of the governing party in framing foreign policy, in decision-making, implementation and oversight still awaits a systematic fuller analysis. To contribute towards this end, this chapter critically reflects on the ANC's influence on the orientation of South African foreign policy, arguing that there is ample evidence of this influence in such areas as pillars and priorities as well as in institutional interfaces involved in foreign policy management. This discussion begins with an explanation of why we need to shift the paradigms by which foreign policy analysis is framed, from ubiquitous Eurocentrism towards pluriversal perspectives, which are informed by decolonial Africana scholarship, in order to better understand foreign policy making and implementation outside typically Western states. An analysis is then provided of the ANC's influence on the orientation and the structure of South African foreign policy before turning to the mechanisms by which this influence is exercised. The purpose is to explain and understand the role of the ANC rather than to extol or denigrate it; it is to interpret what can be seen as influence on foreign policy orientation.

WHY IS THE ANC INFLUENCE NEGLECTED IN SOUTH AFRICAN FOREIGN POLICY ANALYSIS?

Failing to acknowledge the ANC's influence and impact on South Africa's foreign policy happens because of scholars evaluating it using a Eurocentric approach, among other reasons. The South African scholarly enterprise has for a long time been shaped by Eurocentric assumptions about power, politics, being and knowledge. This scholarship has been based on: questions asked in Euro-American academic circles; the concepts and theories Western thinkers use to explain Western foreign policies; methods and tools of analysis Western thinkers employ in analysis, and the conclusions they regularly reach. Eurocentrism assumes it has universal application and therefore these borrowed epistemic lenses are assumed to apply in the analysis of phenomena in Africa and South Africa, including foreign policy and diplomacy. On this basis, South African social science research (and surely natural sciences as well) has become nothing more than mimicry of the Euro-American intellectual communities, seeing itself as a subordinate extension of the latter.

Eurocentrism is not just a European perspective of the world, but it is a perspective and a world view that privileges the European experience, its ways of knowing and its illusions as superior to others, claiming to be universally applicable to all locations at all times,⁵ thus causing scholars in Africa to see everything, including African developments, through the prism of Euro-American theories, concepts, narratives and questions.⁶ It is a way of thinking and organising knowledge that accompanied imperialism, slavery and colonialism, but remained intact when colonial rule ended. These processes were crucial in the Europeanisation of the world.⁷ The colonial perspective of the world that assumed the centrality of Europe, its assumed civilisation, its stolen history,⁸ its norms and standards, its archive and knowledge, has survived the on-going transition towards a post-colonial neocolonial world. It continues to live in dominance of the Eurocentric epistemology, methodology, pedagogy and the archive on which knowledge today is built. As a result, though the post-1945 world order is supposed to be a post-colonial world, its central tenets remain colonial and imperialist when seen from outside the Euro-American world view. For instance, the claim of Eurocentrism such as the idea that its thinkers are transparent, disincorporated and free-floating signifiers⁹ remain in vogue. Its assumption that thinkers think from an objective position – a zero point of enunciation¹⁰ remain widespread. The idea of the world with one centre (North-America and Europe); the concept of power including assumptions about the national state, political party system and liberal democracy; its cultural norms like individualised human rights and capitalist ethics continue to hold sway in the knowledge sector globally including in South African foreign policy analysis and diplomatic studies.

In Eurocentrism, scholars assume that they are transparent, being unsituated in what they observe or study and that they are not shaped by the geopolitical configuration of the world which privileges one civilisation over others. They also pretend to be unaffected by the cultural underpinnings of the 'modern world', which are European and imperial/colonial in origin, and, therefore, begin their analysis from a hubris of thinking from point zero, mapping the world and its problems, classifying its people and projecting what is good for Euro-America.¹¹ The South African scholarship on foreign policy cannot escape the conclusion that social science in Africa continues to be an extension of Western imperialism, as Claude Ake¹² thought. It is, therefore, implicated in deep cognitive injustice, linguisticides, cultural murder and epistemicides central for the current de-centering of Africa.¹³ It promotes the tendency to think from geographical and geopolitical zones of the West, thus making the current revolutionary demands for

a shift in the geography of reason or decolonisation of thought necessary. This assumed superiority, universality, common-sense and rationality of Eurocentric theories, concepts, assumptions and experiences, intersect with the persistence of the colonial view of humanity as a hierarchy of beings, nations, states and civilisations.¹⁴

For the Comaroffs,¹⁵ this gives rise to the need to invert the Eurocentric order of things, subvert the epistemic scaffolding on which it is erected, and to open up the space for voices from below. The Dutch scholar, Stephen Ellis,¹⁶ goes further in making a plea that would be unnecessary if the modern African and South African academies were built on justice and plurality of perspectives. He pleads with Europeans to

cease believing almost instinctively that ideas emanating from Africa must be wrong; since our underlying assumption is that they are destined to be replaced with ideas made in Europe. This will break the habit of decades, even centuries. *We Europeans, too, have to decolonize our minds*' (my emphasis).¹⁷

This implies the need to de-center Europe and re-center Africa in thinking about issues in Africa.¹⁸ It means we must cease to use the South African data on foreign policy and diplomacy, in order to validate European experiences and Eurocentric assumptions. Instead, we should begin to focus on the realities of the South African foreign policy in its own right in order to also invent theories by which to interpret them. This is about reversing what Hountondji¹⁹ calls extraversion, the reckless importation of Eurocentric theories and what Depelchin²⁰ calls the syndrome of discovery that privileges Euro-North America's claims to discover things in the global south.

The literature on foreign policy in South Africa largely mirrors the 'international' debates on foreign policy, which is a euphemism for 'Western' voices on the subject. The theoretical lenses that frame the discourses, the tools of analysis employed, the methods of the discourse, the themes chosen and the concepts put forward represent a geography of reason that is Western. There is a lot of focus on how to apply, contextualise, localise and domesticate these imported ways of reasoning. As Hountondji's extraversion concept, however, suggests, this importation of theory and exportation of data constitute deep epistemic and cognitive injustice, placing Europe as a geopolitical idea in a position akin to that of an imperialist centre in the world of knowledge. It is in this regard that the mainstream literature has failed to understand South African foreign policy on the basis of worldviews, philosophical concepts and the ideological orientations of the ordinary peoples of the country and similar peoples in the south generally.

Even such popular concepts as ubuntu have not been used systematically to shift the geography of reason in South African political science and foreign policy analysis. It is in this context that the ANC's role, as a governing power with significant influence in public policy generally, has not been given serious attention. This neglect is therefore not a function of subjective choices about what to include and exclude in articles and books, but it is an outcome of a deeper structural problem that we call the omnipresence of Eurocentrism.

THE ANC AND THE IDEA OF FOREIGN POLICY IN CONCENTRIC CIRCLES

Central to the ANC framework on international relations, which is now mirrored in the structure of South Africa's foreign policy, is the demarcation of focuses in the form of concentric circles. In this framework, the prioritisation of different regions of the world is linked to how the ANC and the South African state locate themselves in the matrices of global power or the world system. The first priority geopolitical zone of the ANC's framework for international relations has, since the 1950s, been for Southern Africa and Africa to occupy the centre of the circles. This implied identification with the broader African imperatives that gave the ANC a pan-Africanist outlook, hence its name, African National Congress. It also led to an orientation that gave prominence to regional solidarity²¹ and later cooperation and integration.²² Today, South Africa's foreign policy reflects this orientation with Mandela²³ declaring, in 1993, that South Africa's future was inextricably linked to that of Africa and that its destiny was in Southern Africa. Thabo Mbeki²⁴ would later say regional and continental integration or the whole of African renaissance efforts at the centre of South African foreign policy were deeply held convictions 'that the people of Africa share a common destiny and must therefore, at all times, seek to address their challenges in a concerted manner, as a united force'. At its most recent national conference in 2012, the ANC gloated about the role that its government had played in advancing change in the Southern African Development Community (SADC) and the African Union (AU) as evidence of its pursuit of African renaissance vision.²⁵

The second circle is the strengthening of global South agency through South-South cooperation. The ANC's 'Foreign Policy Perspective of a Democratic South Africa', a policy document released in 1994, states that South Africa defines itself firmly as a country of the South that is committed

to building multilateral fora for addressing issues facing the South and, therefore, 'A democratic South Africa will play an active and leading role in the development and strengthening of multilateral fora which empower the nations of the South'.²⁶ In 1997, a new policy document, entitled 'Developing a Strategic Perspective on South African Foreign Policy', warned 'unless the South (developing countries) act together in both multi-lateral forums and in economic relations, there is little chance for properly challenging the unjust world order'.²⁷ This led to South Africa's pursuit of a G8 of the South, which culminated in: the founding of an India-Brazil-South Africa (IBSA) forum in 2003, its chairing the G77 in 2006; and it championing the New Africa-Asia Strategic Partnership in 2006-2007. South Africa sought to use its chairing of the Non-Aligned Movement to drive re-engineering of the platform for effective voice in global security and politics. Often times, the ANC actually adopted ideas provided by bureaucrats in government, such as the idea for IBSA, which was reflected in ANC documents as a result of government lobbying of ANC leadership structures.²⁸

The third circle is the search for sound relations with the global North. In older ANC documents, this is lumped together with the South-South co-operation pillar and the view that the two taken together helped give the ANC and its government balance in an uncertain, changing world. The 1997 policy document made an important observation about relations with the North, namely: 'International relations are not merely based on solidarity, but largely on economic interests, particularly of the most developed countries', thus suggesting relations with the North are driven by economic calculations, rather than shared values, ideological orientation and affinity. This made these relations strategic for the country's national economic interests and development agenda. Indeed, the government went on to pursue strategic partnerships with key Northern countries like the US, UK, France and Germany, while clashing with these countries on political matters to do with global affairs. The ANC policy document of 1994 reflected the ANC's understanding that, with the end of the Cold War, the North-South divide increased, especially in the economic realm, and, therefore, that it was of strategic importance that South Africa harness the 'confluence' of the North's development and the South's under-development by working to ensure greater interdependence, in order to end under-development in most of the South.

The fourth circle is strengthening global governance and multilateralism. 'We recognise the times necessitate the redesigning of international organizations ... [but], we insist that their central role in the maintenance of international law dare not be devalued'.²⁹ This was stated in the ANC

document outlining the country's foreign policy positions in 1994. The concern was marginalisation of the interests of the South in decision-making structures.³⁰ The ANC considered global governance and multilateralism as crucial in the search for a peaceful solution to conflict everywhere in the world and the fight for development.³¹ The government's foreign policy position is identical to the ANC's except for the radical language of the latter. The government actively pursues effective global governance at the UN, the G20, the World Trade Organisation (WTO) and such, while at the same time pushing for their reform, in order to become inclusive, representative and legitimate.³²

Over the decades, the order of circles has remained much the same, but in practice, and at certain times, e.g.: South-South cooperation and Africa came before everything else during the Mbeki years; at times, matters relating to the BRICS (Brazil, Russia, India, China and South Africa) during the Zuma years; and domestic concerns and global governance during the Mandela years. So, the contingencies of the time and the character of the ANC leadership can determine the primacy of a circle at any given time.

The 2011 White Paper on South Africa's Foreign Policy describes the country's strategic framework as follows:

South Africa therefore accords central importance to our immediate African neighbourhood and continent; working with countries of the South to address shared challenges of underdevelopment; promoting global equity and social justice; working with countries of the North to develop a true and effective partnership for a better world; and doing our part to strengthen the multilateral system including its transformation to reflect the diversity of our nations and ensure its centrality in global governance.³³

It is not entirely clear exactly when the full framework of concentric circles developed, but the ANC was certainly born with a sense of the importance of Southern Africa, hence the presence of leaders from countries in the region at its birth in 1912. It was also aware of the pan-African ideals, given the participation of its leaders in Pan-African Congresses and the pleas with Britain for change in South Africa. Global governance certainly became crucial in the ANC thinking after the birth of the UN in 1945 and as a result of the growth of the ANC's role in international solidarity, from the Afro-Asian solidarity of the 1950s to Africa-Latin America and Asia solidarity under the auspices of The Organisation of Solidarity with People of Asia, Africa and Latin America (OSPAAAL) organisation in the 1960s.

CENTRAL IDEAS IN SOUTH AFRICAN FOREIGN POLICY ARE LARGELY ANC IDEAS

As this framework developed, a number of principled ideas came to anchor the ANC's position on world affairs and how critical policy decisions would be taken when tough choices had to be made. These ideas also came to manifest in the government's thinking about foreign policy and they also provide further evidence of the ANC's influence in framing government foreign policy, which the party dominance discourse explains. In this sense, the ANC's influence is evident in the structuring of foreign policy and its foundational ideas. These principled ideas are: faith in the international system with the United Nations at the centre; the reform of global governance; diplomacy of solidarity, especially with developing countries; the sanctity of international law and justice; and the pursuit of peace and development.

THE CENTRALITY OF THE UNITED NATIONS

As the South African struggle evolved towards strong international solidarity, as a fourth pillar alongside armed struggle, underground resistance and domestic mass mobilisation, the ANC turned to the Organisation of African Unity (OAU) and the United Nations (UN) to isolate the South African state.³⁴ The UN provided a platform for the ANC to coordinate international solidarity through anti-apartheid platforms created within the UN, as was the case with the OAU. The ANC repeatedly described that the UN as the most representative global regime, actually implying to the UN General Assembly where every recognised state is a member. It regards the UN Security Council and the international financial institutions – particularly the International Monetary Fund (IMF) and World Bank – as not being representative of current global realities.

Likewise, South African foreign policy shows strong enthusiasm for the UN General Assembly. The ANC regards the UN and the AU as crucial for building alliances in defence of the interests of the developing world, and the government enthusiastically maintains alliances such as the G77 (which South Africa also chaired in 2006 and 2015) the Non-Aligned Movement (NAM), the Africa Group, and other platforms designed to enhance its stature in international diplomacy where the size of one's alliance is vital for negotiations. The country enthused about its membership of the Security Council in 2006-2007 and in 2011-2012.

THE REFORM OF GLOBAL GOVERNANCE

The ANC has consistently urged government to work towards fundamental reform of the UN Security Council and other structures of global governance, because they remain dominated by developed countries. In 1997, the ANC asked government to prioritise: 'the democratisation and expansion of membership of the United Nations Security Council'; the strengthening of its development agenda; and 'the democratisation of the operations of institutions like the World Bank and the International Monetary Fund (IMF)'.³⁵ It has since repeated this call. In the period since the AU adopted the Ezulwini Consensus, which demands two permanent seats and three non-permanent seats for Africa in a reformed Security Council, the ANC has made this consensus its take-it-or-leave-it position on UN reform. This is the position that government pursued religiously in the Security Council in 2006-2007 and 2011-2012 and at UN General Assembly debates on the subject in 2014.

In its desire to see the emergence of a more legitimate and democratic UN, South Africa joined with like-minded states to lobby strongly for UN and IMF reform. The ANC and its allies have, for their part, pursued civil society platforms for joint campaigns for a better world. Reform of the institution meant making it more inclusive in its decision-making structures and more democratic in its conduct, especially in the UN Security Council. 'With regard to the United Nations (UN)', said the Department of Foreign Affairs in its 2008-9 strategic plan, 'World Trade Organisation and the Bretton Wood Institutions, (the IMF and the World Bank), South Africa strives for fundamental reform in the governance and management of these institutions, with the view to enhancing equity, transparency and efficiency'.³⁶ In this, it agrees with the view of many countries of the South.

South Africa also joined other countries in campaigns that lobbied for democratisation of the governance and decision-making structures of the IMF and World Bank, as instruments for guiding global economic trends. However, the transformation the ANC envisaged included the end of the Washington Consensus and neoliberal economics, upon which the work of these institutions has been built over the past six decades. The South African government seemed to limit itself to governance systems and the composition of the leadership in the two bodies instead of deeper questions of inherent unfairness and injustice in their very constitution. This could be seen as a toning down of the radicalism of the ANC position. The ANC wants the thinking behind the Freedom Charter to be seen as an anti-thesis of the neoliberal economic dogma.³⁷ Long-held views by the ANC are that: poverty in South Africa, under-development in other parts of the developing

world, and even socio-economic ills in developed countries, has to do with the structure of global capitalism and the impact of colonialism; and economic liberalism simply worsens the situation for developing countries. The objective of the ANC was to increase the voice and choices of developing countries where the bulk of the work of these institutions took place.³⁸

A DIPLOMACY OF SOLIDARITY

The ideology of solidarity against what we call global coloniality that manifests in new forms of imperialism and global power asymmetry is ingrained in critical institutions in the global South, including liberation movements and social movements. The ANC learned the value of international solidarity when it was forced into exile by the brutality of the apartheid state and found many friends of the struggle all over the world. It also learned that anti-imperialist solidarity was a favoured position of many former colonies as they struggled to survive the vagaries of power asymmetry and domination globally.³⁹ Lulli Callinicos⁴⁰ shows, in her biography of Oliver Tambo, that the ANC's involvement in international solidarity shaped how the liberation movement understood international relations to be a platform for identifying with the less fortunate and for moral and political support towards the oppressed. This is a subject that is yet to receive full attention in foreign policy literature. The anti-colonial/anti-imperial solidarity left the countries of the South with a sense of common cause with many other struggles in the post-Second World War era.⁴¹ The ANC has in mind an international relations environment that allows alliances and coalitions formed out of solidarity,⁴² rather than out of mere convergence of interests. The ANC expects its government to show solidarity with the excluded and denigrated of the world, and of course government has spent hundreds of millions of rands in humanitarian solidarity with others. Yet, the ANC has lacked the imagination necessary to transform this solidarity into comprehensive and effective cooperation across a range of areas other than power politics.⁴³

In his first statement to the UN General Assembly, in 1991, ANC President Nelson Mandela devoted a lot of time to the struggles that were far from resolved, and much less time on what remained to be done in terms of the South African struggle, daunting though this was. Among other key messages, he said:

We would urge that everything be done as quickly as possible, in the context of the decisions of this organisation and the OAU, to carry out the measures that are necessary to resolve the conflict in Western Sahara.

Equally, we salute all those who have been, and are, involved in the process of searching for a negotiated, just and stable peace in the Middle East, an important element of which is recognition of, and respect for, the legitimate rights of the Palestinian people. We wish them speedy movement forward in the effort to reach a comprehensive settlement.

We also wish the people of Cambodia success in their own efforts, supported by the United Nations, to bring to a close a dark chapter in their history, during which millions of innocent people have been butchered like wild beasts.

We look forward to the resolution of other conflicts in the world – in Afghanistan, Cyprus, East Timor and elsewhere. We hope that this organisation will play its historic role of peacemaker to help resolve these and other conflicts.⁴⁴

Solidarity is a major part of the strategic calculus by which the country takes its key decisions. It is a huge part of what the government does in the international environment. It has practically taken up the cause of both the Palestinians and the Saharawis with energy and determination. It has reached out to Haiti and other developing countries that have been hit by natural disasters and political problems. South Africa pushes for negotiation on the basis of a reasonable compromise in order to also project itself as a simultaneously progressive and pragmatic force in support of those denied justice by the powers that be. It has, at least in discourse, foregrounded its concern about human security as the basis for its foreign policy position with many conflict situations.

THE SANCTITY OF INTERNATIONAL LAW AND JUSTICE

It is evident time and again in formal ANC conference resolutions that it sees international law as sacrosanct. There are two reasons it thinks international law needs protecting and advancing. Firstly, this law is expected to minimise the probability that anarchy inherent in an international system made up of many states individually motivated by separate and occasionally conflicting national interests might destabilise the international

system, making it difficult for smaller and weaker countries to thrive. This fear of anarchy steered the ANC away from seeking a radical overhaul of the international system seen by many on the periphery as a creation of Western imperial powers for their own narrow interests. For the ANC the destruction of the system including the international law regime, would lead to anarchy because the responses of states towards misdemeanours would not be predictable. Respect for international law was seen as the surest way of constraining the temptation for the powerful to use their might to govern international regimes. Such a system was seen as inimical to the interests of smaller and weaker nations, most of which are former colonies.

The second reason was the fact that the ANC believed strongly in the efficacy of a stable and predictable international system governed by transparent norms and principles; it, therefore, saw international law as a critical tool for regulating relations amongst states and between states and the international system. It is in this sense that, although worried about the standing and ideological bias of the international legal system, the ANC and its government chose the route of working through the same system, in the knowledge that law can be the poor's bulwark against the action of the powerful.⁴⁵

In 1997, the ANC⁴⁶ argued that 'a new era has dawned upon those whose main content is, inter alia, the ever-growing conflict between a highly industrialised and affluent North and an impoverished, under-developed, highly populated South'. It went on to say, 'More and more issues, such as development, human rights, the environment, South-South co-operation, North-South relations, multilateralism, peace, security and disarmament, etc., will be dominating the international agenda'. International law was seen as critical to managing the challenges that new forms of conflict presented to the system, and the implications of change in the international balance of power following the collapse of the Soviet Union.

Indeed, the ANC-led government has been careful to act in a manner that protects the integrity and sanctity of the international legal regime, especially UN resolutions, and the rulings of the ICJ. It knows that without this regime, the mighty will do as they wish. Yet, the ANC and the government have also been critical of the conduct of some of the international judicial institutions like the ICC, believing that global North countries that fund them generously had captured them. Both the ANC and the government worry about the ability of big countries, which do not want to be subject to international law, to use that very law in order to punish their enemies. Yet its position on building national and regional justice mechanisms is very weak as evident in its silence when SADC dismantled the SADC tribunal. For

instance, the South African government expressed some discomfort about the ICC issuing an arrest warrant against Mohamed Al-Bashir, the president of Sudan, over alleged genocide in Western Darfur, because it felt that such a move would cause Al-Bashir to lose interest in peace making. Yet, South Africa announced that it would not undermine the ICC and so, if Al-Bashir visited South Africa, he would be arrested. Yet, in a strange turn of events, South Africa allowed Al-Bashir to attend the AU Summit held in South Africa in 2015, and defied a court ruling preventing him from leaving South Africa. In this case, the government acted exactly as the ANC would have wanted it to, in contrast with earlier times, when it had sought to avoid this embarrassing situation by persuading Al-Bashir not to travel to South Africa, because the country would have been obliged to arrest him, as it was bound by the ICC Statute. The ANC has consistently adopted a position strongly critical of the ICC, even calling for government to immediately withdraw from the ICC. The reason for this posture on the part of the ANC will be debated for years to come. However, the politicians in government certainly prevailed over the diplomats and bureaucrats who preferred to avoid the dilemma by convincing Al-Bashir not to go to the Johannesburg Summit in the first place.⁴⁷

INSTITUTIONAL MECHANISMS FOR ANC INFLUENCE ON GOVERNMENT POSITIONS

Today, the ANC derives its influence from both political and administrative arrangements. The political arrangements take three forms. The first is that the mandate of government comes from the ANC manifesto, therefore the ANC sets the tone for discussing foreign policy for each government term. This gives the ANC immense power, because it is able to participate in framing government policy positions and programmes of action. Since 1994, the government's mandate has come from the decisions and policy positions of the ANC in three forms: the longer-term outlook of public policy, including foreign policy, has come from the resolutions taken at its national elective and policy conferences; the determinations of the National Executive Committee (NEC) four times a year regarding policy implementation in government; and the decisions of the National Working Committee (NWC), which meets more regularly to consider urgent policy matters.

This is why the National Executive in government has, since 1994, mainly been drawn from among the ANC leaders elected onto the NEC, on the understanding that they would have a good understanding of the

movement's policies that must be implemented in government. It is also an unspoken policy that senior leaders of the administration in government, especially heads of departments, participate in NEC sub-committees as resource persons supporting their ministers. Advisors, especially on foreign policy, are also invited to sub-committee meetings alongside representatives of the ANC's allies, e.g. the Congress of South African Trade Unions (COSATU), South African Communist Party (SACP), organs of civil society, and interested others like former ambassadors. An attempt is made to ensure a seamless link between ANC policy structures and government structures responsible for driving policy implementation. This practice institutionalises the ANC's influence on government's foreign policy, ensuring that the ANC positions on critical foreign policy questions are integrated into government. This applies to other areas of public policy.⁴⁸ However, this is far from simple and straightforward because public policy is in fact constantly contested by the ANC's alliance partners, alternative political parties, civil society formations and businesses.

When the ANC has shown a lack of cohesion in terms of leadership and policy, this manifested in the lack of coherence and stability of policy and leadership in government.⁴⁹ This applies to foreign policy, where our analysis shows inconsistencies and incoherence, which is fundamentally an import from the unresolved ideological and practical contestations over policy within the ANC. For instance, the literature demonstrates that government battles to reconcile its anti-imperialist posture and its commitment to (liberal) human rights.⁵⁰ The mainstream literature fails to recognise that this apparent inconsistency of worldviews is partly due to the fact that the ANC tends to accommodate its left and right-wing voices, what can be called broadchurch tendencies. Similarly, the analysis shows that there is a constant battle between national interests and values in South African foreign policy and diplomatic practice.⁵¹ This stems from the ANC's decision that its orientation would balance the pursuit of interests with the observance of values and principles – what might be called principled pragmatism. In its 1997 policy document, the ANC said:

The identification of these principles cannot be considered idealistic, which shifts our focus away from the harsh realities of 'national interest'. Rather, the identification of such principles should be seen as an essential part of defining the national interest.⁵²

This gives rise to what human rights advocates consider to be less than 100 per cent commitment to human rights-based foreign policy, which

arises because the ANC and government seek to pursue a foreign policy that balances interests and values. The ANC sees what might be termed as the entanglement of principles like human rights and liberal democracy with the old Western civilising mission, a Western imperial/colonial global project since the sixteenth century. It worries that human rights can be used as a smokescreen for the Western imperial project. It argues for alternative understanding of human rights drawing on the African Demand and Freedom Charter documents. But there has not been a coherent presentation of this alternative worldview apart from cursory comments alluding to the two ANC documents mentioned above, which means what the ANC's alternative paradigms on human rights, democracy and so forth is not clearly stated.

Quite frequently, the decision to balance the focus on South-South co-operation and North-South Relations leads to criticism that South Africa is dis-engaging from relations with the North.⁵³ This comes up in analysis influenced by single events and development, rather than comprehensive tracking of South Africa's behaviour over a five or ten-year period. As a result, this criticism arises when South Africa emphasises its role in enhancing the agency of the South through IBSA, BRICS or NAM. Critics quickly forget that a large part of ANC and government foreign policy is actually dedicated to enhancing relations with countries of western Europe and North America. Sometimes therefore, critics speak on the basis of their own biases and worries about South-South cooperation as a non-Western idea and strategy. This reveals a lot more about analysts themselves than the complex matter of balance relations with the North with those in the South. It makes sense that the ANC and its government see their future in a stronger and integrated global South than in largely economic relations with the global North.

Practically, the bulk of the work on policy origination/propositions, monitoring and evaluation actually rests with the sub-committees of the NEC and, in this case, the International Relations Committee discusses international issues and foreign policy positions regularly, and makes recommendations for adoption by the NEC. In practice, senior government officials have infiltrated the ANC sub-committees in order to infuse government preferences into the sub-committee positions so that officials' preferences end up being ANC positions that the government must implement. This is what the literature on public administration describes as the ability of administrative officials to influence what politicians pass as policy for administrators to implement.⁵⁴

CONCLUSION

The contribution of the ANC's thinking to South Africa's official thinking and outlook on international relations and foreign policy is significant, although it is under-stated in the foreign policy and diplomacy literature at the moment. This chapter has shown that the continuity in the foreign policy outlooks of the governments of Presidents Mandela, Mbeki and Zuma, including concentric circles, key foreign policy principles, ideological orientation and strategic choices, have to do with the foundational logic of international relations that is derived principally from the ANC's thinking. The beliefs about the world, how it works and what South Africa ought to do to position itself favourably in it, are similar to those that the ANC has evolved over its century of existence.

In this chapter, ideas that underpin the official foreign policy of South Africa such as faith in the UN-based international system and a wish to change it at the same time; the diplomacy of solidarity with the marginalised and dominated countries; belief in international law as a instrument for reigning in the hegemonic power of the mighty states of the world; and the reform of global governance are discussed. The chapter demonstrates that the convergence between ANC worldviews and government foreign policy positions comes from institutional arrangements by which the ANC develops a hegemony of thought over what becomes foreign policy. It finds that the ANC defines to a large extent the broad frame of South African foreign policy, but it also suggests that this is not uncontested. As the ANC standing diminishes and its electoral support declines, the bureaucrats in government have increased their influence.

The implication of this is that careful analysis of the South African paradigm of international relations (as expressed formally through foreign policy) closely resembles the international relations policy of the ANC in some areas. This is an example of the ANC dominance on South Africa's public policy making, which is partly a function of its big electoral power until now. This chapter sought to also demonstrate the use of a decolonial African lenses to interpret the reality as is, rather than on the basis of Eurocentric straightjackets. More work is urgently needed to decolonise international relations and political sciences in Africa and South Africa.

ENDNOTES

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CONCLUSION

Moving South Africa Forward?

Heather A Thuynsma

South Africa's democracy is clearly under stress.

The system relies on its Constitution and the various provisions it contains to pursue two very specific goals: to protect all citizens' freedom to choose, and to ensure the system itself is accountable. While these are conceptually distinct features of a democracy, in practice they overlap. The art of fulfilling these twin goals depends, in South Africa's case, on political parties and their ability to police and organise themselves and their supporters.

Political parties, in turn, draw their strength from the number of votes they earn during elections and the number of seats these election results translate into at the legislative level. Under the Proportional Representation (PR) system, the ruling African National Congress (ANC) has managed to sustain its electoral and legislative majority at the national and provincial level for the past two decades or so. However, at the local level, with its mixed system, the party's dominance has been shaken, especially in the 2016 election cycle.

Despite recent declines in electoral numbers and membership, political parties still steer South Africa's democracy, but their interplay of late has blunted the dominant party system.

In fact, the ANC's tenure illustrates just how a dominant party, if left unchecked, can test the limits of a country's democratic system. In 2004, David Welsh¹ bemoaned South Africa's lack of electoral choice and its hamstrung ability to enforce government accountability. He cited, for instance, that:

- There was a lack of substantive electoral competition at national level, which has not helped rotate political representation. As a result, the ANC has been able to dictate policy and its implementation, effectively blurring the lines between party interests – and specifically party elite

interests – and state interests. As Southall² later argued, the ANC has politicised the public service through their policy of cadre deployment,³ a concerted campaign to subordinate parliament to the executive, and encouraging a corrupt perception that public service is the vehicle for creating individual wealth rather than serving the broader public.

- Prior to 2016, the predictability of the electoral outcome also contributed to lower voter turnout, particularly among opposition-aligned voters, which also constrained opposition parties' efforts to hold the government accountable.
- As a dominant party, the ANC has also concentrated power in the party's National Executive Committee (NEC), effectively facilitating suspicions of maleficence and shielding the party's senior leadership from internal and external probes. Indeed, under Jacob Zuma's presidency, the ANC leadership has publicly questioned the integrity of the very guardian of this country's democracy – the Constitutional Court.
- The architects of South Africa's system did encode some essential safeguards when they designed the Constitution. However, the veracity of these checks and balances depend on how well the country's law and oversight institutions are respected. Welsh noted that the ANC's overwhelming electoral control made it difficult for opposition parties and other Constitutionally entrenched institutions to hold the ruling party accountable and responsive to the needs of South African citizens. This has prompted opposition parties to go to extraordinary lengths to force the judiciary and the electorate to hold the government accountable.

But, as De Jager and Parkin depict in the opening chapter, this dominant party system shows signs of waning, along with the connection the ruling party had to the people it purported to protect. They warn political parties that despite the ANC's dominance, eventually their poor performance will be punished – initially through mass protests, but eventually through the ballot box, as 2016 proved.

TESTING OPTIONS

The question of choice pervades all political systems to some degree. Determining the degree of choice requires assessing several different but interrelated components that organise an election cycle, namely: assessing the influence a party's leadership and internal dynamics has on the process;

whether or not these dynamics determine public opinion; and, finally, using this research to target a political campaign that will move voters to vote.

Internally, parties control who has access to the party's proportional representation (PR) slate, where they are ranked and, ultimately, the individual's steadfast loyalty. Parties are legally not held to a specific standard and are instead given room to design their own recruitment and nomination systems. As a result, a party's elite, or the leading faction within a party, generally handpicks a list of people, effectively narrowing the choice voters are eventually given come election day. This *laissez-faire* system does, however, have some redeeming features. As Sadie mentions, the quota of female candidates on such PR lists is higher than in other forms of electoral competition. Of course not all parties embrace the quota system and it does not guarantee that women will be appointed to senior government posts, nor does it counter the embedded masculine culture that pervades most parties. On the other hand, the South African electorate, as a whole, fares a little better when it comes to the mixed system at local government level. Here the PR slate is paired with a list of individual ward-based candidates who run their own respective campaigns and offer their own credentials and vision to voters. This addition at the local level, as Venter describes, has often produced a wider variety of options for voters outside the traditional party set up, in the form of independent candidates⁴ who are not tied to a single party platform.

Party leadership and its effect on party competition is another important feature. Past leaders have moved South Africans to embrace the idea of a 'rainbow nation', to envision an African renaissance, and even to rally around a mission to make a predominantly white party more inclusive. Today's opposition leaders, Mmusi Maimane and Julius Malema, are much younger and bring a fresh brand to the political table and new choices for the electorate. They are keen to challenge the established order of things and they have, to date, had some marked success. Where the leaders of old relied on a political hegemony to forge their legacy, these younger leaders are quite capable of riling against that hegemony to reconnect with an ever-younger population and to change South Africa's political course. Curiously, and counter to Mandela's conciliatory tone, under Zuma's watch, the ANC has sought to expose society's demographic divisions. As Miti describes, this strategy has helped the party paint an unflattering picture of its opposition during election time, but it has also sowed a derision that does not disappear once the ballots are counted.

Elections put the question of choice front and centre and test a party's ability to manage the link between themselves and the electorate. Besides receiving input through internal channels from various party structures such as the women's and youth leagues, parties should also listen to what public opinion polls uncover. This statistical exercise, especially if run through an independent organisation, can help a party measure the needs and desires of its base voters in particular, and the electorate as a whole. The core issues these polls reveal should, ideally, help parties pitch their election messages for both core and swing voters and should inform the tactical choices made for the campaign.

However, as Harris, Fleetwood and Squara show, political parties have been decidedly over-confident in their own appeal and in their ability to understand their supporters. As a result, they have chosen to over-ride the findings these polls offer, particularly during the 2016 cycle, and have paid the price. The 'old style' tactical efforts and struggle-era messaging that the ruling party deploys during its election campaigns proves this, and showcases a growing disconnect between the party and its supporters. Indeed, the party appears to be insensitive, aloof and too preoccupied with its own internal power struggle to listen to the concerns of its base voters. As a result, the disaffected voters took to the streets in, often violent, protests and stayed home on election day, which compromised the ANC's overall majority and its control of a number of key metropolises, i.e. Tshwane, Johannesburg and Nelson Mandela Bay.

To be fair, the ANC's declining numbers were also precipitated by the campaigns run by opposition parties. In an apparent reboot of the 2009 national election campaign, the DA looked to frame the 2016 poll as a referendum on the ANC's performance. It questioned the ANC's ability to respond to the average South African's plight, and to hold itself and its leaders responsible for the Nkandla saga and allegations of state capture by the India-based Gupta family. This referendum theme combined with a tech-savvy poll watching and get out the vote effort mobilised the Democratic Alliance's (DA) urban base. For its part, the Economic Freedom Fighters (EFF), while echoing its core issue of land appropriation, used its campaign to fund a mobile app to reach its youth support base and then used its subsequent legislative seats to help the DA remove the ANC from governing power in the Gauteng and Eastern Cape provinces. However, as successful as these campaigns were, they simply detailed what the opposition was against; they did not give voters a clear idea of what these parties stood for. The choices they offer are still inadequate.

PEOPLE'S POWER?

The relationship between the party and the people, however, must also be balanced by an assessment of how well the people, through their party representatives, are connected to the work of the government. The findings throughout this book suggest that these connections are being tested with mixed results.

Parties have used their institutional dominance to control access to the political system and therefore also the electorate's options. Their ability to raise vast amounts of financing without any restriction or form of public oversight secures their position, but also feeds suspicion and speculation – the type that questions the system's ability and integrity to police itself. The last three chapters of this book present a classic demonstration of the perils of a dominant party system and consider their effect on this democracy's ability to act responsibly and in the interests of all its citizens.

The ruling party has, as Chirwa and Ntliziywana point out, pushed the limits of the constitution and the patience of the Constitutional Court itself. The party's insistence on protecting Jacob Zuma through the prolonged Nkandla affair, going so far as to ask key ministries to fudge the relevance of the apparent security upgrades, attacking the Public Protector and her findings, and using its superior legislative seat numbers to obfuscate responsibility for the procurement process, all illustrate just how far the party is willing to push its control. The good news, at least on this occasion, is that the law won and the institutions charged with protecting it stood firm.

The ANC has also used its control of state resources to dictate the domestic and foreign policy legislative agendas and both the Naidu and Narsiah, and the Zondi chapters look at how the ANC has played this numerical advantage. For Naidu and Narsiah, domestic policy has focused on delivering patronage to key party supporters. While admittedly delivering a number of essential services to communities around the country, the party has also managed to secure its internal support through its democratic centralist management style and its principle of cadre deployment. Both strategies again test the connection between the party and its people, because they seemingly entrench the positions and benefits to the party's current elite at the expense of the party's loyal supporters. Legislatively, the party has also manipulated the mandated public participation rider to co-opt civil society and drown out its more critical perspectives.

Internationally, the party's control of the country's foreign policy agenda has provoked growing discussion. The ANC's command of where such policy is pointed and diplomatically structured also shapes the mechanisms the

party uses to exercise its influence. Much of the party's current philosophical undertones were formulated when the movement was in exile and geared towards managing an international effort to overthrow the apartheid regime. This includes the party's respect for the United Nations, even though it continues to push for the Security Council's restructure, its solidarity with other liberation-like struggles around the world, and its support for the international rule of law. In practice, the ANC's foreign policy track record is branded as a mix of principled successes and apparent contradictions. However, as Zondi points out, to understand the ANC's decisions, scholars need to shift their analytical approach away from their embedded Eurocentric prism. At the same time, he acknowledges that the ANC, through its NEC, tends to keep its own counsel and is seemingly incongruent when it comes to defending its decisions. This further fuels the public's mistrust of the party and plays to its ability to subvert the system.

DOES THE PARTY SYSTEM UNDERPIN OR UNDERMINE DEMOCRACY?

As the authors collectively point out, political parties and the party system underpin South Africa's democracy and have the potential to build a cohesive and prosperous nation. The effect of the ANC's dominance has, however, strained the system and tested it and its institutions' fortitude, especially in the past few years. The fact that these institutions have retained their integrity says a great deal about the system's resilience.

While there are some, like Albert Venter, who would like to tweak the current PR-based electoral system to include a more candidate-centred approach, all agree that, on the whole, the system is fair, egalitarian and democratic. Its tenets provide voters with a wide variety of options and potentially give a number of different perspectives a seat at the table. Indeed, these electoral systems have regulated political party competition and forced parties to evolve their campaign strategies to effectively challenge a single party's hegemony and invincibility. Add to this a rising opposition that could conceivably rally electoral support to effect change, and you have the primary ingredients needed to recalibrate how political parties connect with the people and with the government.

As Naidu mentions, there are clearly deeper issues of accountability that, at times, spurn the Constitution. There is also a clear need to foster meaningful public participation and transparency. Nevertheless, the system

endures. So, while political parties underpin South Africa's democracy, when left unchecked, they are prone to undermine it.

ENDNOTES

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Political Parties in South Africa

Do they Undermine or Underpin Democracy?

Political parties and the party system that underpins South Africa's democracy have the potential to build a cohesive and prosperous nation. But in the past few years the ANC's dominance has strained the system and tested it and its institutions' fortitude. There are deeper issues of accountability that often spurn the Constitution and there is also a clear need to foster meaningful public participation and transparency. This volume offers a different and detailed assessment of the health of South Africa's political system.

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